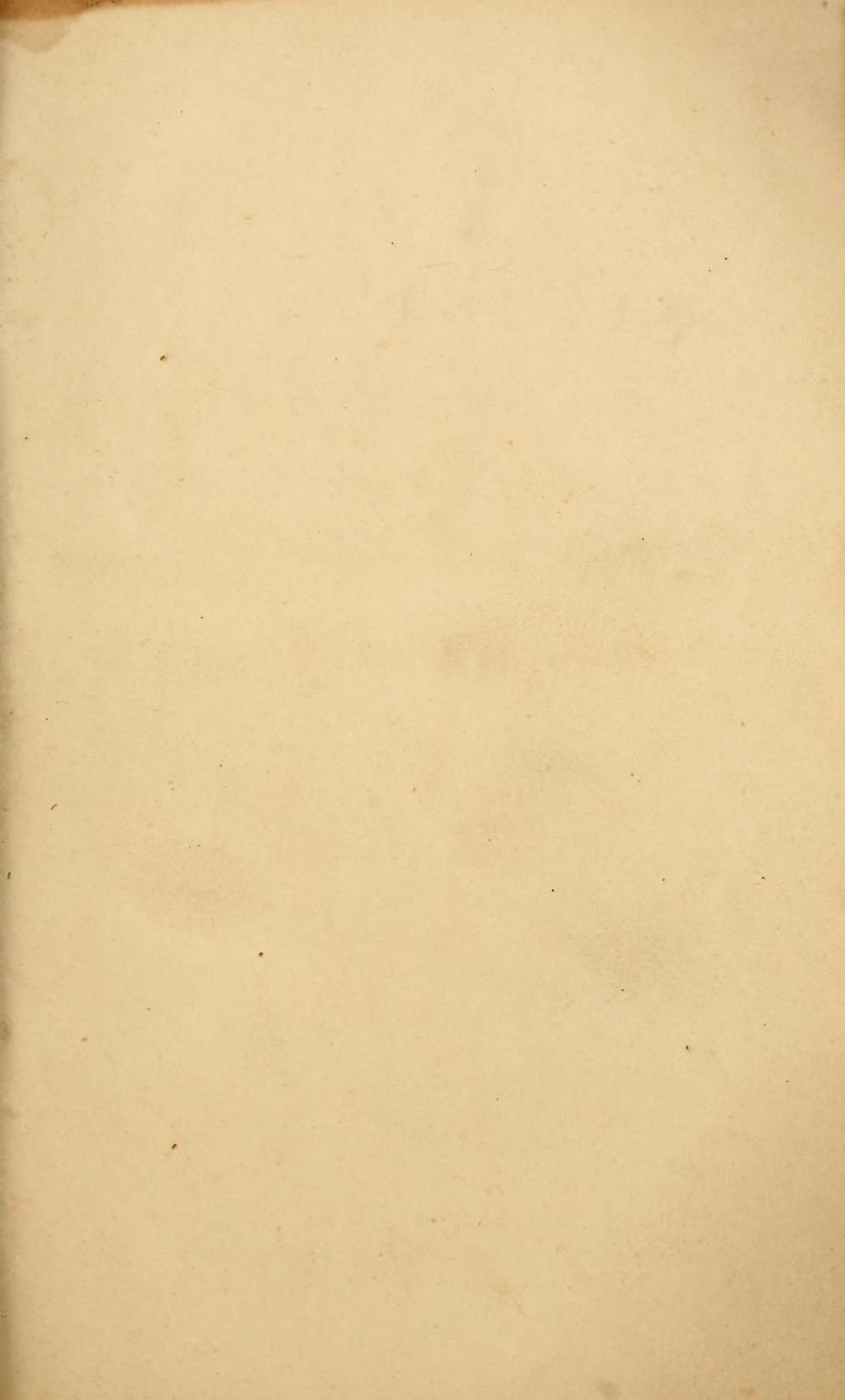


BENJAMIN STEVENS
LOBBY NO. 11.



ACTS

RESOLVES

General Court of Massachusetts

1840, 1841, 1842

TOGETHER WITH THE RULES AND RESOLUTIONS

PASSED BY THE HOUSE OF REPRESENTATIVES



Boston:

WILLIAM D. LITTLE, PRINTER, 1842.

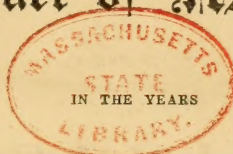
ACTS

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RESOLVES

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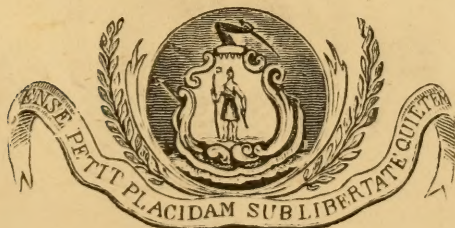
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


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1848.

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GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1846.

An Act to incorporate the New Bedford Cordage Company.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Benjamin S. Rotch, William J. Rotch, Joseph Ricketson, their associates and successors, are hereby made a corporation, by the name of the New Bedford Cordage Company, for the purpose of manufacturing cordage, in the town of New Bedford, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

to manufacture cordage in New Bedford.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in value the sum of one hundred and fifty thousand dollars. [Approved by the Governor, Feb. 2, 1846.]

Estate not to exceed \$150,000.

An Act to increase the Capital Stock of the Framingham Bank.

Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company of the Framingham Bank, in Framingham, are hereby authorized to increase their capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine: *provided*, that the whole amount shall be paid in, on or before the first Monday of October next.

Capital may be increased by \$50,000 in shares of \$100, &c.

Provided, &c.

Liabilities of increased capital.

SECTION 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate, &c., to be returned to the Secretary.

SECTION 3. Before the said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, Feb. 2, 1846.*]

Chap. 3.

An Act to increase the Capital Stock of the Naumkeag Steam Cotton Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may amount to \$1,000,000, and real estate to \$500,000.

The Naumkeag Steam Cotton Company, are hereby empowered to increase their capital stock to the sum of one million dollars, and to hold real estate, for the use of said company, to an amount not exceeding five hundred thousand dollars. [*Approved by the Governor, Feb. 2, 1846.*]

Chap. 4.

An Act to incorporate the Berkshire County Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Pittsfield.

Henry Shaw, Thomas A. Gold, Thomas F. Plunket, Charles Sedgewick, their associates and successors, are hereby made a corporation, by the name of the Berkshire County Savings Bank, to be established in the town of Pittsfield, in the county of Berkshire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, Feb. 2, 1846.*]

Chap. 5.

An Act to incorporate the Bay State Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture woollen and other goods in Methuen.

SECTION 1. Samuel Lawrence, William W. Stone, Jarvis Slade, their associates and successors, are hereby made a corporation, by the name of the Bay State Mills, for the purpose of manufacturing woollen and other goods, in the town of Methuen, county of Essex ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purposes aforesaid, not exceeding in value the sum of one million of dollars. [Approved by the Governor, Feb. 2, 1846.]

Estate not to exceed
\$1,000,000.

An Act to incorporate the Suffolk Sugar Refinery.

Chap. 6.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Zachariah Jellison, Charles Wilkins, William Bramhall, their associates and successors, are hereby made a corporation, by the name of the Suffolk Sugar Refinery, for the purpose of manufacturing and refining sugar in the city of Boston, county of Suffolk, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture and refine sugar in Boston.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding one hundred and fifty thousand dollars; and the whole stock of said corporation shall not exceed three hundred thousand dollars. [Approved by the Governor, Feb. 2, 1846.]

Real estate not to exceed
\$150 000, and
capital stock
\$300,000.

An Act to incorporate the Atlantic Cotton Mills.

Chap. 7.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Abbott Lawrence, Ebenezer Chadwick, J. W. Edmands, their associates and successors, are hereby made a corporation by the name of the Atlantic Cotton Mills, for the purpose of manufacturing cotton goods in the town of Methuen, county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton goods in Methuen.

SECTION 2. Said corporation may hold such real and personal estate, as may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of two millions of dollars. [Approved by the Governor, Feb. 3, 1846.]

Estate not to exceed
\$2,000,000.

An Act to incorporate the Boston and Chelsea Iron and Screw Company.

Chap. 8.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Nathaniel Sands, Granville Mears, their associates and successors, are hereby made a corporation, by the name of the Boston and Chelsea Iron and Screw Company, for the purpose of making machinery, and working

Persons incorporated,
to manufacture and work machinery,

and to manufacture screws, iron, &c., in Suffolk, and in Malden.

the same, and manufacturing screws, iron and other metals or materials, and carrying on the business thereof in the county of Suffolk, and in the town of Malden, in the county of Middlesex; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eight and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$60,000, and capital stock \$260,000.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of sixty thousand dollars; and the whole capital stock of said corporation, shall not exceed the sum of two hundred and sixty thousand dollars. [*Approved by the Governor, Feb. 3, 1846.*]

Chap. 9.

An Act to incorporate the New Bedford Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture cotton goods and grind corn.

SECTION 1. Samuel Rodman, Alden G. Snell, William R. Rotch, their associates and successors, are hereby made a corporation, by the name of the New Bedford Steam Mill Company, for the purpose of manufacturing cotton goods and the grinding of corn, and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$260,000.

SECTION 2. Said corporation for the purposes aforesaid, may hold real estate not exceeding in value, one hundred thousand dollars, and the whole capital stock shall not exceed in amount, two hundred thousand dollars. [*Approved by the Governor, Feb. 3, 1846.*]

Chap. 10.

An Act in addition to an Act to reduce the Capital Stock of the Millbury Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commissioner's certificate of examination to be valid, though not delivered in due time.

The making and delivery of the certificate of examination of the Millbury Bank, by the commissioner, under the provisions of the act to reduce the capital stock of the Millbury Bank, approved on the fourteenth day of February, in the year of our Lord eighteen hundred and forty-five, to the governor and council, on the tenth day of April last, shall be good and valid for all the purposes of said act. [*Approved by the Governor, Feb. 4, 1846.*]

An Act to provide for the Government and Management of Houses of Correction in certain cases.

Chap. 11.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever any house of correction shall be united in one and the same building or establishment with the jail in any county, except Suffolk, the sheriff of such county shall have the custody, rule and charge of the same, and of all prisoners therein, and shall keep the same himself, or by his deputy or jailer, for whom he shall be responsible; and the powers and duties of such keeper shall be the same as those of a master of a house of correction by law now are.

When houses of correction are united with jails, the sheriff to have charge and custody, &c., except in Suffolk.

SECTION 2. The county commissioners in such county, shall have the same authority to appoint overseers of houses of correction, so situated, as by law they now have; and the powers and duties of said overseers shall be the same as by law they now are: *provided*, that they shall make no contracts for the labor of prisoners, to be performed without the yards of said house, or whereby the safe-keeping of any prisoner may be endangered, unless the sheriff consent to the same.

Powers and duties of county commissioners and of overseers, in the premises.

Sheriff's consent necessary to contracts for labor, &c.

SECTION 3. The said commissioners, in such county or counties, shall, in the months of May and November, in each year, make an allowance to the said keeper, of a reasonable sum, for his services, and for the support of the prisoners under his charge, and other necessary expenses; and in case the said commissioners shall neglect or refuse to make such allowance, or the said keeper shall be dissatisfied with the amount thereof, he may present his petition, showing the facts, to the court of common pleas next to be holden in and for said county, who shall cause notice thereof to be given the chairman of said commissioners, and, after hearing the matter of said petition, may determine the amount of such allowance, and pass such further order in the premises as law and justice may require.

Allowances to keepers;

who may appeal to Court of Common Pleas, &c.

SECTION 4. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, Feb. 4, 1846.*]

Repeal of inconsistent provisions.

An Act to increase the Capital Stock of the Ames Manufacturing Company.

Chap. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Ames Manufacturing Company are hereby authorized to increase their capital stock, by adding thereto an amount not exceeding one hundred thousand dollars, and to invest such portion thereof in real estate, as may be necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, Feb. 4, 1846.*]

Capital stock may be increased by adding \$100,000, which may be invested in real estate.

Chap. 13. An Act to increase the Capital Stock of the Lowell Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased by adding \$900,000, which may be invested in real estate.

The Lowell Manufacturing Company are hereby authorized to increase their capital stock by adding thereto nine hundred thousand dollars : and to invest such portion thereof in real estate, as may be necessary and convenient for the purpose for which they have been incorporated. [Approved by the Governor, Feb. 5, 1846.]

Chap. 14.

An Act to incorporate the Old Town Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to carry on bleaching in Newbury.

SECTION 1. Moses Pettingell, Benjamin Hale, their associates and successors, are hereby made a corporation by the name of the Old Town Manufacturing Company, for the purpose of carrying on the bleaching business in the town of Newbury, county of Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$100,000.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary and convenient, for the purpose aforesaid, not exceeding in value one hundred thousand dollars. [Approved by the Governor, Feb. 6, 1846.]

Chap. 15. An Act in addition to an Act establishing the Nashua and Lowell Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of branch rail-road.

SECTION 1. The Nashua and Lowell Rail-road Corporation are hereby authorized and empowered to locate, construct, and finally complete, a " Branch Track " from their road in the city of Lowell, commencing at a point on said road, about 1700 feet westerly from its junction with the Boston and Lowell Rail-road, thence running easterly on a straight line to the Western Avenue, so called, thence on a line curving to the south, on said company's land, and over the Patucket canal and land of William Livingston to said company's land, thence on a straight line across Middlesex street and land of Zenas Stetson, and a street laid out by the proprietors of the locks and canals on Merrimack River, to said company's land, thence on a line curving to the south, to the Boston and Lowell Rail-road at a point near the Arch Bridge in the ledge, the whole distance being about 1600 feet.

SECTION 2. Said corporation are hereby authorized to enter with their rail-road upon the Boston and Lowell Rail-road at a point near the said Arch Bridge, paying for the right to use the same agreeably to their original charter, and complying with such rules and regulations as may be established by said Boston and Lowell Rail-road Corporation, by virtue of the 5th section of their act of incorporation; *provided, however*, that it shall be the duty of said Nashua and Lowell Rail-road Corporation to enter said Boston and Lowell Rail-road by such proper turnouts or switches, as will not unreasonably incommode the travel upon the said Boston and Lowell Rail-road, and pay all the expenses incident to, and in consequence of, any alterations necessary in said Boston and Lowell Rail-road, to enable them to enter upon it in a proper manner.

May enter upon the Boston and Lowell Rail-road;

Provided, &c.

SECTION 3. The said Nashua and Lowell Rail-road Corporation, shall, with respect to the portion of rail-road hereby authorized, be subject to all the duties, liabilities and restrictions, and have all the powers and privileges contained in the thirty-ninth chapter of the Revised Statutes, and other statutes relating to rail-road corporations.

Powers and liabilities.

SECTION 4. Nothing contained in this act shall authorize said corporation to erect any pier or other obstructions in the Patucket Canal, or in any way to obstruct the safe and convenient use of the Patucket Canal in constructing their road over the same. [Approved by the Governor, Feb. 7, 1846.]

Not to obstruct the use of the Patucket Canal.

An Act ceding to the United States, Jurisdiction over George's Island, Lovell's Island and Governor's Island, in the Harbor of Boston.

Chap. 16.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Jurisdiction is hereby granted and ceded to the United States over two islands in Boston harbor, known as George's Island, and Lovell's Island, upon the former of which the United States are erecting works of fortification known as Fort Warren.

Jurisdiction ceded for forts.

SECTION 2. The consent of this Commonwealth is hereby granted to the United States to purchase an island in the harbor of Boston, called Governor's Island, for the purpose of erecting thereon forts, magazines, arsenals, dock yards, and other needful buildings; the evidence of the purchase aforesaid to be entered and recorded in the Registry of Deeds, in the county of Suffolk, and Commonwealth of Massachusetts; and the jurisdiction over the said Governor's Island is hereby granted and ceded to the United States: *provided, always*, and the cession and consent aforesaid are granted upon the express condition, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the islands aforesaid, so far as that all civil pro-

Island may be purchased by the United States for forts, &c.

Provided, that the Commonwealth retains concurrent jurisdiction.

cesses, and such criminal processes as may issue under the authority of this Commonwealth against any person, or persons, charged with crimes committed without the said islands, may be executed therein in the same way and manner as though this cession and consent had not been made and granted.

Property exonerated from taxation.

SECTION 3. The property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this Commonwealth, while the said islands shall remain the property of the United States, and shall be used for the purposes intended by this act.

When to take effect.

SECTION 4. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 7, 1846.]

Chap. 17. An Act authorizing the President, Directors and Company of the Fitchburg Bank to increase their Capital Stock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital may be increased by \$50,000, in shares of \$100, &c.

SECTION 1. The president, directors and company, of the Fitchburg Bank, in Fitchburg, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount shall be paid in on or before the first Monday in October next.

Provided, &c.

Liabilities of increased capital.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate, &c., to be returned to the Secretary.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [Approved by the Governor, Feb. 7, 1846.]

Chap. 18. An Act to incorporate the Amherst Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Thomas Jones, John S. Adams, J. M. Whitcomb, their associates and successors, are hereby made a corporation, by the name of the Amherst Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Amherst, in the county of Hampshire; and for these purposes shall have all the pow-

to manufacture cotton and woollen goods in Amherst.

ers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 7, 1846.]

Real estate not to exceed \$50,000, and capital stock \$100,000.

An Act to incorporate the New England Cordage Company.

Chap. 19.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John Webber, Charles Scudder, their associates and successors, are hereby made a corporation, by the name of the New England Cordage Company, for the purpose of manufacturing cordage in the city of Boston and town of Roxbury; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cordage in Boston.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value thirty-five thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 7, 1846.]

Real estate not to exceed \$35,000, and capital stock \$100,000.

An Act to increase the Capital Stock of the Boston and Providence Rail-road Corporation, and for other purposes.

Chap. 20.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Boston and Providence Rail-road Corporation are hereby authorized to increase their capital stock, by an amount not exceeding four hundred thousand dollars, by creating an additional number of shares, not exceeding four thousand of one hundred dollars each; the same to be assessed by instalments, from time to time, as the directors shall find expedient.

Capital stock may be increased by 4,000 shares of \$100.

SECTION 2. The said Boston and Providence Rail-road Corporation, are hereby authorized to purchase and hold, or have held, for their benefit, any shares in the capital stock of the Boston and Providence Rail-road and Transportation Company, a corporation established in and by the authority of the State of Rhode Island: *provided*, the whole amount, to be expended for the purchases aforesaid, shall not exceed the sum of one hundred and fifty thousand dollars. [Approved by the Governor, Feb. 7, 1846.]

May purchase and hold stock in the Boston and Providence Rail-road and Transportation Company, to the amount of \$150,000.

Chap. 21. An Act concerning the Charlestown Branch Rail-road Company and the Fitchburg Rail-road Company.

Whereas, &c. **Whereas**, the Fitchburg Rail-road Company, in accordance with the provisions of its charter, has purchased the rail-road and all the corporate property of the Charlestown Branch Rail-road Company, except the debts due to it, and the land and flats in the vicinity of the State Prison :

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fitchburg Company to succeed to the powers and liabilities of the Charlestown Branch Company.

SECTION 1. The Fitchburg Rail-road Company shall have, except as is hereinafter provided, all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the act passed on the ninth day of April, in the year one thousand eight hundred and thirty-six, entitled An Act to establish the Charlestown Branch Rail-road Company, and in the several acts subsequently passed in addition thereto, or concerning, or in any wise relating to the Charlestown Branch Rail-road Company, in as full and ample manner as though the same powers and privileges, and the same duties, restrictions and liabilities had been granted to, or imposed upon the Fitchburg Rail-road Company.

Charlestown Branch Company continued a corporation for three years for certain purposes, &c.

SECTION 2. The Charlestown Branch Rail-road Company is hereby authorized to continue its existence as a separate corporation, for the period of three years from the passage of this act, for the purpose of fulfilling its outstanding contracts not assumed by the Fitchburg Rail-road Company, of disposing of and conveying its remaining property, and of settling and closing its concerns, and for these purposes only, shall have all the corporate powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

When to take effect.

SECTION 3. This act shall take effect from and after its passage, and the acceptance thereof by the two companies, at legal meetings called for the purpose. [*Approved by the Governor, Feb. 7, 1846.*]

Chap. 22. An Act in addition to an Act to incorporate certain persons into a Company by the name of the South Boston Association. Passed June 14, 1805.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation continued until June 14th, 1848.

An Act passed on the fourteenth day of June, in the year one thousand eight hundred and five, entitled An Act to incorporate certain persons into a Company by the name of the South Boston Association, and all acts in addition thereto, shall continue and be in force until the fourteenth day of June, in the year one thousand eight hundred forty-eight. [*Approved by the Governor, Feb. 11, 1846.*]

An Act to reduce the Capital Stock of the Merrimack Bank in Haverhill.

Chap. 23.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. From and after the first day of April next, the president, directors and company of the Merrimack Bank, in Haverhill, are authorized to reduce their capital stock to the sum of one hundred and eighty thousand dollars: *provided* that no dividend of any part of the present capital stock shall be made, nor shall any reduction take place until a commissioner, to be appointed by the Governor and Council for that purpose, shall have certified in writing, to the Governor and Council, after due examination, at the expense of said corporation, that said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and, after payment thereof, and the repayment to its stockholders, of any surplus in such sum on each share of said stock, as may be repaid, in the judgment of said commissioner, that the net sum of one hundred and eighty thousand dollars will remain in said bank, as capital stock in funds, available for all usual and proper banking purposes.

Capital may be reduced to \$180,000, after April 1, 1846, when a commissioner, &c., shall have certified, &c.

SECTION 2. The reduction of the capital stock shall be made by reducing the par value of the shares from one hundred dollars to seventy-five dollars per share, and refunding to the holders of stock, the surplus judged to be payable by said commissioner, in the manner before provided.

Reduction to be made by reducing the shares to \$75, &c.

SECTION 3. From and after the said first day of April next, previous to which time the said commissioner shall make and deliver his certificate to the Governor and council, as aforesaid, all the rights, duties and liabilities of the said corporation shall have relation to, and be governed by, said reduced capital stock of one hundred and eighty thousand dollars, and until the said first day of April next, and until the said certificate shall have been made and delivered, as aforesaid, the said corporation shall pay into the treasury of the Commonwealth the tax required by law, to be paid on the present capital stock of said bank; and nothing contained in this act shall be construed to affect the liability of the corporation or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

Tax to be levied as heretofore, till April 1, 1845, and till a commissioner shall have reported.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 12, 1846.*]

When to take effect.

An Act to incorporate the Fitchburg Savings Bank.

Chap. 24.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Francis Perkins, Nathaniel Wood, John T. Farwell, their associates and successors, are hereby made a corporation, by

Persons incorporated in Fitchburg.

the name of the Fitchburg Savings Bank, to be established in the town of Fitchburg, in the county of Worcester; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of this Commonwealth, relating to institutions for savings. [*Approved by the Governor, Feb. 12, 1846.*]

Chap. 25.

An Act to incorporate the Agawam Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated as
bankers in
Springfield till
October 1, 1851.

SECTION 1. Chester W. Chapin, Addison Ware, Edmund Freeman, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Agawam Bank, to be located within twenty-five rods north or south of the Western Rail-road, in the town of Springfield, in the county of Hampden, and shall so continue until the first day of October, in the year of our Lord one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Stock transferable
at banking
house, &c.

SECTION 2. The stock of said bank shall be transferable only at its banking house and in its books.

Capital to consist of \$100,000,
in shares of
\$100, &c.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct; *provided* the whole be paid in within one year from the day of the passage of this act. [*Approved by the Governor, Feb. 12, 1846.*]

Provided, &c.

Chap. 26.

An Act to incorporate the East Florida Serpentine Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. Isaac Hodges, Erastus Rice, Jerome B. Jackson, their associates and successors, are hereby made a corporation, by the name of the East Florida Serpentine Company, for the purposes of quarrying and working serpentine in the town of Florida, county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to quarry and
work serpentine
in Florida.

Estate not to
exceed \$50,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid,

not exceeding in value fifty thousand dollars. [*Approved by the Governor, Feb. 12, 1846.*]

An Act to incorporate the Mechanics Mutual Aid Society.

Chap. 27.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Henry Bakewell, George Bartlett, Z. E. Co-vel, H. G. Blaisdell, their associates and successors, are hereby made a corporation, by the name of the Mechanics Mutual Aid Society, for the purpose of securing to each member in times of sickness, reliable pecuniary aid from funds raised by stated mutual contributions, and at death a respectable interment, together with aid and relief to his widow, if he shall leave any.

Persons incor-
porated,

to secure aid,
&c., to associ-
ates and their
widows.

SECTION 2. The said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding fifteen thousand dollars, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, Feb. 12, 1846.*]

Estate not to
exceed \$15,000.

An Act to incorporate the Real Estate Mutual Fire Insurance Company.

Chap. 28.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lemuel Blake, John Redman, Ebenezer Sears, their associates and successors, are hereby made a corporation, by the name of the Real Estate Mutual Fire Insurance Company, in the city of Boston, in the county of Suffolk, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, throughout the Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, Feb. 12, 1846.*]

Persons incor-
porated in Bos-
ton to insure fire
risks in Massa-
chusetts for 28
years, on the
mutual prin-
ciple.

An Act to incorporate the Wareham Cotton Mill.

Chap. 29.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles L. Hayward, Willard Wood, Comfort Bates, their associates and successors, are hereby made a corporation, by the name of the Wareham Cotton Mill, for the purpose of manufacturing cotton goods in the town of Wareham, County of Plymouth, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the

Persons incor-
porated,

to manufacture
cotton goods in
Wareham.

thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$20,000, and capital stock \$50,000.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars. [Approved by the Governor, Feb. 12, 1846.]

Chap. 30.

An Act to incorporate the Agawam Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Ipswich to insure fire risks in Massachusetts for 28 years, on the mutual principle.

Abraham D. Wait, Alfred M. Farley, William Foster Wade, Jr., their associates and successors, are hereby made a corporation, by the name of the Agawam Mutual Fire Insurance Company, in the town of Ipswich, in the County of Essex, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property throughout the Commonwealth, against loss by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [Approved by the Governor, Feb. 12, 1846.]

Chap. 31.

An Act giving further time to the President, Directors, and Company, of the Bank of Norfolk to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued to April 24, 1847.

The president, directors, and company, of the bank of Norfolk, are hereby continued a body corporate for the period of one year, from the twenty-fourth day of April, in the year one thousand eight hundred and forty-six, with all the powers and privileges, and subject to the limitations set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, Feb. 12, 1846.]

Chap. 32.

An Act relating to the Providence and Worcester Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Providence and Worcester Rail-road Company, a corporation established by the General Court of this Commonwealth, by an act passed the twelfth day of March, in the year one thousand eight hundred and forty-four, and the Providence and Worcester Rail-road Company, a corporation established by the General Assembly of the State of Rhode Island and Providence plantations, at its May session, in the year one thousand eight hundred

and forty-four, having been united according to the provisions of their respective charters, and constituting one corporation by the name of the Providence and Worcester Rail-road Company; from and after the acceptance of this act, as hereinafter provided, at all meetings of said united corporation, each stockholder shall be entitled to one vote for every share of the capital stock of said company owned by him not exceeding fifty shares, and one vote for every twenty shares more than fifty, owned by him: *provided*, that no stockholder shall be entitled to vote upon more than one fourth part of the whole number of shares of the capital stock of said company; and no stockholder shall be entitled to a greater proportion of votes than is herein provided, any thing in the act establishing the Providence and Worcester Rail-road Company, passed by the General Court of this Commonwealth, on the twelfth day of March, in the year one thousand eight hundred and forty-four, or in the law regulating voting in rail-road corporations in this Commonwealth, to the contrary notwithstanding.

SECTION 2. The time within which said corporation shall complete their rail-road, within this Commonwealth, is hereby extended to the twelfth day of March, in the year one thousand eight hundred and forty-eight.

SECTION 3. This act shall take effect on the day, and not before, when the same shall be accepted by said united corporation at a meeting duly called for that purpose. [*Approved by the Governor, Feb. 14, 1846.*]

Each stockholder in united corporation to have a vote for every share not exceeding 50, and a vote for every 20 shares additional;

provided, that no stockholder shall have any vote for more than one quarter part of the whole number of shares, &c.

Time for completing road extended to March 12th, 1848.

When to take effect.

An Act to authorize Darius Weeks to build a Wharf in Harwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Darius Weeks is hereby authorized to build and maintain a wharf, extending three hundred feet into the sea, from land owned by him, in the town of Harwich, near a place called Deep Hole, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise affect the legal right of any other persons whatever. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 33.

Wharf may be built in Harwich, &c.

Provided, &c.

An Act to increase the Capital Stock of the Hamilton Woollen Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Hamilton Woollen Company are hereby authorized to increase their capital stock to an amount not exceeding one million of dollars, and to invest such increase, in real and personal estate, as may be necessary and convenient for carrying on the operations of said corporation. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 34.

Capital stock may be increased to an amount not exceeding \$1,000,000.

Chap. 35.

An Act to amend the Charter of the City of Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for election of city officers.

SECTION 1. The time for the election of mayor, aldermen, common council men and school committee men, of the city of Lowell, shall hereafter be the second Monday of December annually, instead of the time heretofore by law prescribed.

Time for entering upon and holding office.

SECTION 2. The mayor, aldermen, common council men, and school committee men, of said city, shall hereafter enter upon the duties of their respective offices on the first Monday of January, annually, and shall hold their offices for the term of one year thereafter.

Number of aldermen.

SECTION 3. The number of aldermen hereafter to be elected in each year, in said city, shall be eight instead of six, as heretofore prescribed.

Surveyors of highways.

SECTION 4. The city council of said city may annually elect any number not exceeding three, of surveyors of highways, who shall have all the powers, and be subject to all the duties and liabilities, that are by law prescribed in regard to the surveyors of highways of the towns of this Commonwealth.

Adjournments of meeting for election of ward officers, &c., in case of failure to elect.

SECTION 5. Whenever, at any ward meeting held in said city for the election of any ward officers, common council men, or school committee men, or any of them, it shall be found, on counting and declaring the votes, that there has been a failure to elect any one or more of such officers, the meeting may adjourn for a term not exceeding three days in order to complete such election ; and in case of a failure to complete the election, at such adjourned meeting, there may be additional adjournments, from time to time, not exceeding three days at any one time.

First and second sections, when to take effect.

SECTION 6. The first and second sections of this act shall take effect on the first day of May next, and not earlier. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 36.

An Act to incorporate the Tremont Gas Light Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Thomas Thacher, John L. Dimmock, Simon W. Robinson, their associates and successors, are hereby made a corporation, by the name of the Tremont Gas Light Company, for the purpose of manufacturing and vending gas in the city of Boston and vicinity, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture and sell gas in Boston.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value two hundred thousand dollars, and the whole capital stock of said corporation shall not exceed five hundred thousand dollars.

Real estate not to exceed \$200,000, and capital stock \$500,000.

SECTION 3. Said corporation, with the consent of the mayor and aldermen of said city of Boston, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes, or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said city. [*Approved by the Governor, Feb. 14, 1846.*]

May open the ground in streets, &c. to lay and repair pipes with consent of the mayor and aldermen. *Provided, &c.*

An Act to incorporate the Lowell Gas Company.

Chap. 37.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Samuel Lawrence, Seth Ames, Ransom Reed, their associates and successors, are hereby made a corporation, by the name of the Lowell Gas Company, for the purpose of manufacturing and selling gas in the city of Lowell, county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated, to manufacture and sell gas in Lowell.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars.

Real estate not to exceed \$100,000, and capital stock \$300,000.

SECTION 3. Said corporation, with the consent of the mayor and aldermen of said city of Lowell, shall have power and authority to open the ground in any part of the streets, lanes and highways in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said city.

May open the ground in streets, &c. to lay and repair pipes, with the consent of the mayor and aldermen. *Provided, &c.*

Act to be void,
if the works are
not completed,
&c., within
three years.

SECTION 4. If said corporation shall not, within three years from the passage of this act, have erected their works and become prepared to manufacture gas for lighting streets or buildings in Lowell, this act shall be void. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 38.

An Act to authorize Stephen Hilliard to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Provincetown may be extended to low water mark, &c.

Stephen Hilliard is hereby authorized to extend and maintain the wharf now owned by him and adjoining his land in Provincetown, into the harbor of said Provincetown, to low water mark at the lowest tides: and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor; *provided* this grant shall not in any manner interfere with the legal rights of any persons whatever. [*Approved by the Governor, Feb. 14, 1846.*]

Provided, &c.

Chap. 39.

An Act to incorporate the East Boston Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture lard, oil and candles in Boston.

Estate not to exceed \$100,000.

SECTION 1. Thomas G. Wells, C. J. F. Binney, A. C. Lombard, their associates and successors, are hereby made a corporation, by the name of the East Boston Manufacturing Company, for the purpose of manufacturing lard, oil and candles in that part of the city of Boston, called East Boston, in the county of Suffolk: and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 40.

An Act to limit Writs of scire facias against Trustees.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Writ of scire facias, &c., to be served against trustees within two years, &c.

Provided, &c.

SECTION 1. No writ of *scire facias* shall be maintained against any person adjudged trustee in process of foreign attachment, unless served upon him within two years after the rendition of judgment in the original suit; *provided* that, if the money or other thing due from him to the principal defendant, is not payable when said judgment is rendered,

said writ may be maintained, if served within one year after said money or other thing shall become payable.

SECTION 2. This act shall not apply to any writ of *scire facias* now pending, or that shall be issued and served within one year after the passage thereof. [*Approved by the Governor, Feb. 14, 1846.*]

Act not to apply to writs now pending or issued and served within one year.

An Act to incorporate the Trustees of the Second Methodist Episcopal Church in Nantucket.

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William Jenkins, William Hart, Samuel Dunham, James Macy, Henry S. Coffin, Elisha Smith, George Bowen, Caleb W. Field and Owen C. Spooner, their associates and successors in office, are hereby made a corporation, by the name of the Trustees of the Second Methodist Episcopal Church in Nantucket : with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as they are applicable.

Persons incorporated.

SECTION 2. Said corporation shall have power to receive, hold and manage, all the property, both real and personal, belonging to said church, and any gift, grant, bequest, or donation, that may be made to them for the benefit of said church, shall be held in trust for the support and maintenance of public worship, and other parochial purposes : *provided*, that the annual income arising from such estate, shall not exceed one thousand dollars, in addition to the meeting-house and land under and adjoining.

May hold property, and grants in trust for parochial purposes to an amount yielding an income not exceeding \$1000, exclusive, &c.

SECTION 3. The number of trustees shall, at no time, be less than five, or more than nine, a majority of whom shall constitute a quorum for doing business ; and all vacancies that may happen from death, resignation or otherwise, shall be filled according to the rules and usages of said church.

Number of trustees not to exceed nine, nor be less than five.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 14, 1846.*]

When to take effect.

An Act to authorize the Boston Steam Flour Mill Company to hold additional Real Estate.

Chap. 42.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Steam Flour Mill Company are hereby authorized to take and hold additional real estate, necessary and convenient for the purposes for which said corporation was created : *provided*, that the whole amount invested in real estate shall not exceed one hundred and fifty thousand dollars. [*Approved by the Governor, Feb. 14, 1846.*]

May hold additional real estate, the whole amount invested therein not to exceed \$150,000.

Chap. 43.

An Act to incorporate the Bradford Flax Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,to manufacture
thread, twine,
&c., in Brad-
ford.

SECTION 1. William Perry, S. B. Swett, William Perry, Jr., their associates and successors, are hereby made a corporation, by the name of the Bradford Flax Company, for the purpose of manufacturing thread, twine and other articles, from flax and hemp, in the town of Bradford, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to ex-
ceed \$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, Feb. 14, 1846.]

Chap. 44.

An Act to incorporate the Dane Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,to manufacture
cotton goods in
Ipswich.

SECTION 1. Augustine Heard, Thomas Lord, Edmund Kimball, Jr., their associates and successors, are hereby made a corporation, by the name of the Dane Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Ipswich, county of Essex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed \$50,-
000, and capital
stock \$100,000.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 14, 1846.]

Chap. 45.

An Act concerning Manufacturing Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Shares transfer-
able by written
instrument, &c.

SECTION 1. Any shares in manufacturing corporations may be transferred by the proprietor thereof, by an instrument in writing, under his hand, recorded by the clerk of the corporation in a book to be kept for that purpose; and the purchaser named in such instrument, so recorded, shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate.

Repeal of pre-
vious provision.

SECTION 2. That part of the twelfth section of the thirty-eighth chapter of the Revised Statutes which requires the

transfer of shares to be by deed, under seal, and acknowledged before some justice of the peace, is hereby repealed.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 16, 1846.]

When to take effect.

An Act to incorporate the Leicester Water Power Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Bottomly, Albert Curtis, Josiah Rice, their associates and successors, are hereby made a corporation, by the name of the Leicester Water Power Company, for the purpose of creating a reservoir of water for operating their respective mills, by constructing and maintaining a dam across Kettle Brook, at or near the outlet of the Waite meadow, in Leicester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Chap. 46.

Persons incorporated,

to create a reservoir of water by building a dam, &c.

SECTION 2. Said corporation may purchase and hold real estate, and rights therein for the purposes aforesaid, not exceeding the sum of ten thousand dollars, and personal estate not exceeding two thousand dollars : *provided, always,* that this act shall not be construed to impair the rights of others in relation to said brook, or the lands which may be overflowed and damaged by means of such dam and reservoir. [Approved by the Governor, Feb. 17, 1846.]

Real estate not to exceed \$10,000, and personal estate \$2,000. *Provided, &c.*

An Act to increase the Capital Stock of the Massachusetts Cotton Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Massachusetts Cotton Mills are hereby authorized to increase their capital stock, by an addition not exceeding five hundred thousand dollars; and to invest such increase in real and personal estate, as may be necessary and convenient for carrying on the business of said corporation. [Approved by the Governor, Feb. 17, 1846.]

Chap. 47.

Capital stock may be increased by adding \$500,000, to be invested in real and personal estate.

An Act to enable the Manufacturing Corporations established at Lowell, in the county of Middlesex, to own and improve the Water Power used by them.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Merrimack Manufacturing Company, Hamilton Manufacturing Company, Appleton Company, Suffolk Manufacturing Company, Tremont Mills, Lawrence Manufacturing Company, Lowell Manufacturing Company, Boott Cotton Mills, Middlesex Company, Massachusetts

Chap. 48.

Corporations may purchase and hold the capital stock of the Proprietors of Locks and Canals.

Provided, &c.

Votes of several corporations equal to shares of capital stock.

Officers to be stockholders or not, as shall be determined, &c.

Corporations may expend money in improving water power, &c. and in the purchase of property in N. Hampshire.

Cotton Mills, Prescott Manufacturing Company, and the Lowell Machine Shop, are, and each of them is hereby, empowered to purchase and hold the capital stock of the Proprietors of Locks and Canals on Merrimack River, in such amounts as the said corporations, or each of them, shall think fit. But nothing herein contained shall in any way affect the duties and obligations of the said Proprietors of Locks and Canals on Merrimack River.

SECTION 2. Each of the said manufacturing corporations may, at all corporate meetings of the said Proprietors of the Locks and Canals on Merrimack River, by their agent duly appointed for such purpose, cast as many votes as such corporation shall own shares of the capital stock of the said Proprietors; and all officers of the said Proprietors of the Locks and Canals may be stockholders in that corporation, or otherwise, as shall be thought best by the stockholders of such last named corporation.

SECTION 3. The consent of this Commonwealth is hereby given that the said manufacturing corporations, and each of them, may expend such sums, as to them and each of them may seem proper, in improving the water power of the said river; and that for this purpose the said corporations, and each of them, may acquire by purchase and hold such real and personal property, in the State of New Hampshire, as the said state may hereafter authorize and empower them, and each of them, to acquire and hold. [*Approved by the Governor, Feb. 17, 1846.*]

Chap. 49.

An Act respecting the Yearly Abstracts of the Returns of Savings Banks.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Secretary to prepare and print abstracts of returns, &c.

The Secretary of the Commonwealth, after he shall have received the returns from the several Savings Banks, as provided in the thirty-sixth chapter, eighty-second section of the Revised Statutes, shall, as soon as may be, cause to be prepared and printed, suitable abstracts of the same, to be submitted to the Legislature at the next session thereof. [*Approved by the Governor, Feb. 17, 1846.*]

Chap. 50.

An Act concerning the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ratification of acts done during absence of the mayor in 1845 and 1846.

SECTION 1. All and singular the acts and doings of the board of aldermen of the city of Boston, or of the chairman thereof, during the year one thousand eight hundred and forty-five, and one thousand eight hundred and forty-six, purporting to have been official acts and doings on behalf of said city, in the absence of the mayor thereof, and which

might have been legally done and performed by said mayor alone, or by said mayor and aldermen together, whether in relation to any deeds, leases, agreements, indentures or assurances, drafts on the city treasury, or any other matter or thing within the official powers and duties of the said mayor alone, or said mayor and aldermen together; and whether by concurrent vote with the common council or otherwise, shall be deemed to have, and shall have the same force and effect, to all intents and purposes, as if said acts and doings had been done and performed by said mayor alone, or by said mayor and aldermen together.

SECTION 2. This act shall take effect from and after its passage. *[Approved by the Governor, Feb. 19, 1846.]*

When to take effect.

An Act to establish the Adams and Bennington Rail-road Corporation.

Chap. 51.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Thomas Robinson, William E. Brayton and John A. Brown, their associates and successors, are hereby made a corporation, by the name of the Adams and Bennington Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, which relates to rail-road corporations, and in the public statutes subsequently passed relating to such corporations.

Persons incorporated.

SECTION 2. Said corporation is hereby authorized to locate, construct and maintain a rail-road, with one or more tracks, from the northern termination of the Pittsfield and North Adams Rail-road, in the town of Adams, to the line of the State of Vermont, in the direction towards Bennington, in said State; passing from said Pittsfield and North Adams Rail-road northwesterly and northerly, along or near the valley of the Hoosuc River, near the Centreville Factory in said Adams, and in the most convenient and suitable direction through a part of the town of Williamstown, to the line of the State of Vermont, at a convenient point, to unite the same with the Western Vermont Rail-road to be constructed from said State line through Bennington to Rutland in said State.

Location of the road.

SECTION 3. The capital stock of said corporation shall consist of not more than two thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share.

Capital stock not to exceed \$200,000, in shares of \$100.

SECTION 4. If the location of said rail-road be not filed according to law within three years from the first day of

Time for location and completion of road.

April next, or if the said rail-road shall not be completed within four years from said first day of April, then this act shall be void.

May unite with the Pittsfield and North Adams Rail-road.

Provided, &c.

SECTION 5. The said corporation may unite the track of their road, by proper turnouts and switches, with the track of the said Pittsfield and North Adams Rail-road, at or near their station in said North Adams, paying all the expenses of such union: *provided* the same shall be at a place and in a manner not to obstruct the convenient and beneficial use of said Pittsfield and North Adams Rail-road, or to interfere with any of their buildings or fixtures.

The Legislature may authorize its use by any other company.

Provided, &c:

SECTION 6. The Legislature may authorize any other rail-road corporation, at their own expense, to unite the tracks of another rail-road with the tracks of said Adams and Bennington rail-road, at any point thereof, by proper turnouts and switches: *provided* the same shall not obstruct the convenient and beneficial use of said Adams and Bennington Rail-road, or interfere with any of their buildings or fixtures.

The Legislature may reduce tolls and profits after five years.

Provided, &c.

SECTION 7. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time, reduce the rates of fare, or other profits upon that part of said rail-road within this State; but the same shall not be so reduced, without the consent of said corporation, as to produce with said profits less than ten per cent. per annum.

May transfer property, &c., to the Pittsfield and North Adams Rail-road Corporation.

SECTION 8. The said corporation may transfer their rights, privileges, franchises and property under this charter, to the said Pittsfield and North Adams Rail-road Corporation, which corporation is authorized to receive and hold the same, whenever the stockholders in the said corporation shall so determine, at a legal meeting called by them respectively for such purpose; and, in that case, the capital stock of the said Pittsfield and North Adams Rail-road Corporation may be increased to an amount not exceeding the sum of the joint capital of both corporations.

The two corporations, when united, may unite with the Western Vermont Rail-road Company.

SECTION 9. The said Adams and Bennington Rail-road Corporation, or the said Pittsfield and North Adams Rail-road Corporation, after the transfer made, as provided in the preceding section, may unite with the Western Vermont Rail-road Company, a corporation created by the Legislature of the State of Vermont for the construction of the whole or a part of a rail-road, from the south line of said State of Vermont, to the town of Rutland, in said State, by votes of the stockholders of both corporations; and, when the said corporations shall be so united, the stockholders of one corporation shall become stockholders in the other, and the said two companies shall constitute one corporation, under the name of the Western Vermont and Massachusetts Rail-road Company, with a capital not exceeding the amount

of the joint capital of both corporations; and all the franchises, rights, powers, privileges and property granted to, or held, by either of said corporations, under the authority of said States respectively, shall be held and enjoyed by all the said stockholders in proportion to the amount of property or interest held by them in either or both of said corporations.

SECTION 10. After said union, one or more of the directors, or other officers of said new corporation, shall, at all times, be a resident in this State, on whom processes against said company, and notices to the same, may be legally served; and said corporation shall be held to answer within the jurisdiction where the service is made and the process is returnable.

One officer of the corporation, after such union, must be an inhabitant of Massachusetts.

SECTION 11. The said corporation shall keep separate accounts of their expenditures in each State, and two commissioners shall be appointed, one by the governor of each State, to hold their offices for the term of four years, and to be reasonably compensated by said corporation, who shall decide what proportion of all the expenditures of said corporation, and of their receipts and profits properly pertain to that part of the road lying in each State respectively; and their certificate thereof shall be annexed to the annual report required to be made to the Legislature of this State; and said annual report shall be approved by said commissioners.

Separate accounts, commissioners of expenditures, receipts and profits, &c., certificates, reports, &c.

SECTION 12. Said corporation and the stockholders therein, so far as their road shall be situated in this State, shall be subject to all the duties and liabilities of the Adams and Bennington Rail-road Corporation, created by the provisions of this act, and the laws of this State, to the same extent that the said Adams and Bennington Rail-road Corporation would have been if no union had taken place. [*Approved by the Governor, Feb. 24, 1846.*]

Liabilities of the corporation in Massachusetts.

An Act concerning Wilful and Malicious Injuries to Personal Property in certain cases.

Chap. 52.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Every person who shall wilfully and maliciously destroy or injure the personal property of another person, in any manner or by any means, not particularly described or mentioned in the one hundred and twenty-sixth chapter of the Revised Statutes, shall, when the value of the property so destroyed or injured, or the injury occasioned to the same, shall not be alleged to exceed the sum of fifteen dollars, be punished by imprisonment in the county jail or house of correction, not more than thirty days, or a fine not exceeding fifteen dollars.

Malicious injury to property not exceeding the value of fifteen dollars, punishable by imprisonment, &c., or fine, &c.

SECTION 2. Every justice of the peace shall have juris-

Magistrates having jurisdiction.

Provided, &c. diction, concurrent with the Court of Common Pleas, in his county, and the Police Court of the city of Boston shall have jurisdiction, concurrent with the Municipal Court, of the aforesaid offence: *provided, however*, that the party convicted before such justice or Police Court, shall have the right to a trial by jury on his appeal, as in other like cases. [Approved by the Governor, Feb. 24, 1846.]

Chap. 53.

An Act to incorporate the Foster Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated,

to manufacture
cotton, wool or
flax, and to
bleach, &c., in
Danvers.

Real estate not
to exceed
\$60,000, and
capital stock
\$200,000.

SECTION 1. Theophilus W. Walker, Nathaniel Walker, Elijah Upton, their associates and successors, are hereby made a corporation, by the name of the Foster Mills, for the purpose of manufacturing goods of cotton, wool or flax, and for bleaching, dyeing, and finishing such goods, in the town of Danvers, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value sixty thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred thousand dollars. [Approved by the Governor, Feb. 26, 1846.]

Chap. 54.

An Act to increase the Capital Stock of the Beaman Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital stock
may be in-
creased by add-
ing \$100,000.

The Beaman Manufacturing Company is hereby authorized to increase its capital stock, by adding thereto one hundred thousand dollars; and to invest the same in such real and personal estate as may be necessary and convenient for carrying on the business of said corporation. [Approved by the Governor, Feb. 26, 1846.]

Chap. 55.

An Act to incorporate the Forest River Lead Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated,

to manufacture
lead in Salem
and Marble-
head,

SECTION 1. William Henry Chase, Benjamin Howard, Elijah D. Brigham, their associates and successors, are hereby made a corporation, by the name of the Forest River Lead Company, for the purpose of manufacturing lead, in its various branches, in the city of Salem, and in the town of Marblehead, in the county of Essex; with all the powers and privileges, and subject to all the duties, restrictions,

and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred thousand dollars.

Real estate not to exceed \$100,000, and capital stock \$200,000.

[Approved by the Governor, Feb. 26, 1846.]

An Act to incorporate the Trustees of the First Methodist Episcopal Church in East Boston.

Chap. 56.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Ebenezer Atkins, John Atkins, Amasa Dexter, Sumner F. Barrett, John Penniman, Salmon Gould, and Amos Russell, their associates and successors in office, are hereby made a corporation, by the name of the Trustees of the First Methodist Episcopal Church in East Boston, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, as far as they are applicable.

Persons incorporated.

SECTION 2. The said Trustees are hereby vested with full power to take and hold all grants and donations of real or personal estate, made to the use of said church or otherwise, and to alien or manage such real or personal estate according to the terms and conditions of the grants or donations, and, by purchase or operation of law, to take, hold and manage any real or personal estate in trust, for the use and benefit of said church, and to sell and convey the same: *provided*, the annual income of the grants, donations, and purchases, for the use aforesaid, shall not exceed the sum of two thousand dollars in addition to the meeting-house, and land, under and adjoining.

Trustees may take and manage property, &c.

SECTION 3. The number of trustees shall, at no time, be less than five or more than nine, a majority of whom shall constitute a quorum for doing business; and all vacancies that may happen, from death, resignation, or otherwise, shall be filled in such manner as the proprietors of the pews in the meeting-house may direct.

Annual income not to exceed two thousand dollars, exclusive, &c.

SECTION 4. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 28, 1846.]

Number of trustees, &c.

When to take effect.

An Act authorizing Benjamin W. Miller to plant Oysters in Taunton Great River.

Chap. 57.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Benjamin W. Miller, of Fall River, in the county of Bristol, his heirs and assigns, are hereby authorized to plant, grow, and dig oysters in the waters and

May plant, grow, and dig oysters in Fall River, &c.

flats of Taunton Great River from high water mark to the channel of said river, in front of said Miller's land in said Fall River, at a place called Miller's Cove, bounded easterly and southerly by land of Joseph Davis, and by land in the occupation of Susan Lawton, northerly by land of Russell Hathaway, and southerly and westerly by said river.

Penalty for planting, digging, &c. within 20 years, without permission of said Miller, &c.

SECTION 2. The said Miller, his heirs and assigns, shall have the exclusive use of said waters and flats to the said extent for the purpose of planting, growing, and digging oysters, for the term of twenty years; and if any person shall, within said limits, dig for or take any oysters during said term, without license, from said Miller, his heirs or assigns, he shall forfeit and pay a fine not exceeding five dollars for each offence, to be recovered by said Miller, his heirs or assigns, in any court proper to try the same. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 58.

An Act authorizing James S. Chace to plant Oysters in Taunton Great River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant, grow, and dig oysters in Fall River, &c.

SECTION 1. James S. Chace, of Fall River, in the county of Bristol, his heirs and assigns, are hereby authorized to plant, grow, and dig oysters in the waters and flats of Taunton Great River from high water mark to the channel of said river, in front of said Chace's land in said Fall River, bounded southerly by land of John Eddy and Jesse Eddy, and northerly by land of William Bates, and westerly by said river.

Penalty for planting, digging, &c. within 20 years, without permission of said Chace, &c.

SECTION 2. The said Chace, his heirs and assigns, shall have the exclusive use of said waters and flats to the said extent, for the purpose of planting, growing, and digging oysters for the term of twenty years; and if any person shall, within said limits, dig for or take any oysters during said term without license from said Chace, his heirs or assigns, he shall forfeit and pay a fine not exceeding five dollars for each offence, to be recovered by said Chace, his heirs or assigns, in any court proper to try the same. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 59.

An Act to increase the Capital Stock of the Globe Steam Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased by adding \$400,000.

The Globe Steam Mills are hereby authorized to increase their capital stock by adding an amount not exceeding four hundred thousand dollars, and to invest the same in such real and personal estate as may be necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, Feb. 28, 1846.*]

An Act to change the Name of the Trustees of the Groton Academy.

Chap. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

From and after the passing of this act, the corporate name of "The Trustees of the Groton Academy" shall be changed, and the said corporation shall be known and called by the name of "The Trustees of the Lawrence Academy at Groton," any thing in the act incorporating the same to the contrary notwithstanding. [Approved by the Governor, Feb. 28, 1846.]

To take the name of the Trustees of the Lawrence Academy at Groton.

An Act to authorize Benjamin Lamson to extend his Wharves.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Benjamin Lamson, proprietor of certain wharves called Lamson's Wharves, situated on Marginal street in that part of the city of Boston called East Boston, is hereby authorized to extend and maintain his said wharves into the harbor channel as far as the line established by the act, entitled "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and ends of said wharves, and to receive wharfage and dockage therefor: *provided*, that so much of said wharves as shall be erected under this act, shall be built on piles, which piles shall not be nearer each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any corporations or persons whatever. [Approved by the Governor, Feb. 28, 1846.]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act concerning Prosecutions for Violations of By-Laws.

Chap. 62.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

In any complaint, prosecution, or other process founded upon the by-laws of any town or city, no part of such by-law shall be required to be recited or set forth, but the offence may be described therein with the degree of certainty required in prosecutions upon public statutes: *provided*, that nothing herein contained shall affect the degree or kind of evidence required at the trial of the existence of such by-law. [Approved by the Governor, Feb. 28, 1846.]

By-laws need not be recited in complaints, &c.

Evidence of existence of by-law.

Chap. 63. An Act to authorize the First Parish, in Dorchester, to sell certain Real Estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Parish treasurer
may execute
conveyances.

SECTION 1. The First Parish in Dorchester are hereby authorized to sell, at public or private sale, and at such time or times as they may judge best, any part or the whole of the parcels of land and buildings, which were devised to said parish by Jason Kilton and Hannah Kilton, Junr., deceased ; and the treasurer of said parish, for the time being, is authorized to execute and deliver a deed or deeds to convey the same, in fee simple or otherwise.

Investment and
application of
income.

SECTION 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct ; and the income arising therefrom shall be applied exclusively to the support of the ministry of said parish. [Approved by the Governor, Feb. 28, 1846.]

Chap. 64.

An Act to incorporate the Bond Village Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton and
woollen goods,
and machinery,
in Palmer and
Belchertown.

SECTION 1. Emelius Bond, Henry J. Gardner, Henry A. Rice, their associates and successors, are hereby made a corporation, by the name of the Bond Village Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, and machinery, in the town of Palmer, county of Hampden, and in the town of Belchertown, county of Hampshire ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$100,000, and
capital stock
\$300,000.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars. [Approved by the Governor, Feb. 28, 1846.]

Chap. 65.

An Act to incorporate the Proprietors of the High Street Church, in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Erastus D. Leavitt, Artemas L. Brooks, and John Tuttle, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the High Street Church, in Lowell ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, exclusive of their meeting-house and land, sufficient for the accommodation of the same, the annual income of which shall not exceed two thousand dollars: *provided, however,* that the same be applied exclusively to parochial purposes.

Estate, exclusive, &c. may be such as to yield an income of \$2,000, for parochial purposes.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 2, 1846.*]

When to take effect.

An Act to authorize the North Wharf Corporation to extend their Wharf.

Chap. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The North Wharf Corporation are hereby authorized to extend their wharf, in the town of Truro, in the county of Barnstable, into the harbor of said Truro, in a southerly direction, to a distance not exceeding twenty-five feet; and to maintain the same, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided,* this grant shall not in any manner interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 2, 1846.*]

Wharf in Truro may be extended southerly 25 feet, &c.

Provided, &c.

An Act to incorporate the Bristol County Savings Bank.

Chap. 67.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Horatio L. Danforth, William A. Crocker, Jesse Hartshorn, their associates and successors, are hereby made a corporation, by the name of the Bristol County Savings Bank, to be established in the town of Taunton, in the County of Bristol, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to institutions for savings. [*Approved by the Governor, March 2, 1846.*]

Persons incorporated in Taunton.

An Act in addition to an Act to incorporate the South Boston Lyceum.

Chap. 68.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The South Boston Lyceum is hereby authorized to hold, for the purposes for which the said corporation was established, real and personal estate to the amount of seven thousand dollars, in addition to the amount authorized by the act incorporating the same. [*Approved by the Governor, March 2, 1846.*]

May hold additional estate to the amount of \$7,000.

Chap. 69. An Act to increase the Capital Stock of the Taunton Copper Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased to an amount not exceeding \$400,000, &c.

The Taunton Copper Manufacturing Company are hereby authorized to increase their capital stock, to an amount not exceeding four hundred thousand dollars, and to invest such increase in real and personal estate, as may be necessary and convenient for carrying on the business of said corporation. [Approved by the Governor, March 2, 1846.]

Chap. 70. An Act to incorporate the Proprietors of the Kirk Street Church in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Sewell G. Mack, Amasa Kimball, Samuel W. Stickney, and Nathaniel Bartlett, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Kirk Street Church in Lowell, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth and forty-fourth chapters of the Revised Statutes.

Estate exclusive, &c., may be such as to yield an income of \$2,000, for parochial purposes.

SECTION 2. Said corporation may hold real and personal estate, exclusive of their meeting-house and land sufficient for the accommodation of the same, the annual income of which shall not exceed two thousand dollars; *provided, however,* that the same be applied exclusively to parochial purposes.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, March 2, 1846.]

Chap. 71. An Act to increase the Capital Stock of the Tremont Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased to not exceeding \$500,000, &c.

The Tremont Iron Company are hereby authorized to increase their capital stock, to an amount not exceeding five hundred thousand dollars, and to invest such increase in real and personal estate, as may be necessary and convenient for carrying on the business of said corporation. [Approved by the Governor, March 2, 1846.]

Chap. 72. An Act to incorporate the Bensonville Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. George W. Benson, Samuel Williston, Joel Hayden, their associates and successors, are hereby made a corporation, by the name of the Bensonville Manufacturing

Company, for the purpose of manufacturing cotton and woollen goods in the town of Northampton, county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture cotton and woollen goods in Northampton.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 2, 1846.*]

Real estate not to exceed \$50,000, and capital stock \$100,000.

An Act to authorize Stephen Locke and John Wheeler to extend their Wharf.

Chap. 73.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Stephen Locke and John Wheeler, proprietors of a wharf situate and fronting on Marginal street, in that part of the city of Boston called East Boston, are hereby authorized to extend and maintain their said wharf into the harbor channel, as far as the line established by the act, entitled, "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor : *provided*, that so much of said wharf as shall be erected, under this act, extending below low water mark, shall be built on piles, which piles shall not be nearer each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any other persons whatever. [*Approved by the Governor, March 3, 1846.*]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act to establish the Boundary Line between Lunenburg and Shirley.

Chap. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The boundary line between the town of Lunenburg, in the county of Worcester, and the town of Shirley, in the county of Middlesex, from an established monument, at the southeast corner of Lunenburg and the southwest corner of Shirley, to an established monument at the southeast corner of Townsend, shall be confirmed and established as a straight line : *provided*, that the dwelling-house of Jacob Harrington, now supposed to be standing upon the line aforesaid, and the occupants thereof, for all purposes, shall be considered within the town of Lunenburg, so long as said building shall remain on said line. [*Approved by the Governor, March 3, 1846.*]

Boundary line straightened.

Provided, &c.

Chap. 75. An Act in addition to an Act incorporating the Boston and Maine Rail-road.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Change of location of part of road.

SECTION 1. The Boston and Maine Rail-road Corporation are hereby authorized and empowered to locate, and construct a rail-road, commencing at a point in their present road, as now constructed, in the south parish of the town of Andover, between the south end of the Thompson Curve, so called, and the public road, leading from the city of Salem, to the Andover bridge, and running down the valley of the Shawshene River to a point near the said Andover bridge; thence along the right bank of the Merrimack River, to intersect their present road, near Sutton's Mills, in the north parish of Andover, and discontinue so much of their present road as they may deem expedient: *provided, however,* that, if the road to be constructed diverges from the present road, south of the depot in South Andover, then the new road shall pass within one thousand feet of the said depot.

Provided, &c.

Location of branch road.

SECTION 2. The said corporation are also empowered to locate and construct a branch rail-road, commencing at a point of the road granted by the first section of this act, and continuing to a convenient terminus, in the town of Methuen, crossing the Merrimack River by a bridge.

Powers and liabilities of corporation.

SECTION 3. The said corporation, in locating, constructing, and maintaining the new section of rail-road, hereby authorized, shall have and enjoy all the privileges and power, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and that part of the thirty-ninth chapter of said statutes, and the statutes subsequently passed, relating to rail-road corporations.

Capital may be increased \$500,000.

SECTION 4. The said corporation are hereby authorized to increase their capital stock by the amount of five hundred thousand dollars.

Legislature may authorize the use of roads by other corporations.

SECTION 5. The Legislature may authorize any company to enter with another rail-road, upon, and use the said sections of rail-road, hereby authorized, or any part thereof, according to the provisions of the statutes of the Commonwealth, paying therefor such rates of toll, or compensation, as the Legislature shall, from time to time, prescribe; and complying with such rules and regulations as the Boston and Maine Rail-road Company may prescribe.

Section to be located within one year, and road completed within three years.

SECTION 6. If the location of the section of rail-road hereby authorized, is not filed according to law, within one year, or if said company shall not complete said road to the extent provided in the first section of this act, within three years from the date of the same, then this act shall be null and void.

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, March 3, 1846.] When to take effect.

An Act in addition to an Act to incorporate the Harrison Avenue Congregational Society in Boston.

Chap. 76.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Harrison Avenue Congregational Society in Boston, are hereby authorized to borrow, from time to time, such sums of money, not exceeding in the whole twenty thousand dollars, as may be needful to build a meeting-house, or to repair the same, or for any other parochial purpose, and to secure the payment of the same by mortgaging the real estate belonging to said society. May borrow \$20,000 for parochial purposes, &c.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 3, 1846.] When to take effect.

An Act to incorporate the Springfield Water Power Company.

Chap. 77.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Willis Phelps, Henry Sargeant, James Brewer, their associates and successors, are hereby made a corporation, by the name of the Springfield Water Power Company, for the purpose of creating water power and manufacturing machinery in the town of Springfield, county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SECTION 2. Said corporation is hereby authorized to make and construct all necessary dams, trenches, gates, and sluiceways, and, for the purposes aforesaid, may hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars : *provided, nevertheless*, that nothing in this act contained shall impair or change, without their consent, the rights of any individual or individuals, other than the petitioners. [Approved by the Governor, March 3, 1846.] to create water power and manufacture machinery in Springfield.

May construct dams, &c.

Real estate not to exceed \$100,000, and capital stock \$300,000.

Provided, &c.

An Act in addition to an Act relating to discharged Convicts.

Chap. 78.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The agent of discharged convicts shall, as soon as may be after the last day of September in each year, cause to be made to the Governor and Council, a full and detailed account of his doings, as such agent, for the year next preceding. [Approved by the Governor, March 3, 1846.] Agent to make returns to the Governor and Council, annually, soon after the last day of September.

Chap. 79.

An Act to incorporate the Essex Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Joseph S. Cabot, Elias Putnam, Gayton P. Osgood, John P. Allen, Albert Thorndike, their associates and successors, are hereby made a corporation, by the name of the Essex Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in the public statutes which have been, or may be passed, relating to such corporations.

Location of the
road.

SECTION 2. Said corporation is hereby empowered and authorized to locate, construct, and maintain a rail-road, with one or more tracks, from some convenient point, on or near the North River, in Salem, through South Danvers, New Mills, Danvers Plains, Middleton, North Andover, through the valley of the Cochickiwick River; thence crossing the present track of the Boston and Maine Rail-road, thence on the southeasterly side of the proposed new line of the Boston and Maine Rail-road, to a point near and below Andover Bridge, with power to proceed thence across the proposed new track of the Boston and Maine Rail-road and Merrimack River, to some point in Methuen, west of the turnpike and within half a mile of said river, without interfering with the depot grounds or fixtures of the Boston and Maine Rail-road Company.

Capital stock
not to exceed
\$500,000, in
shares of \$100.

SECTION 3. The capital stock of said corporation, shall consist of not more than five thousand shares, the number of which shall be determined, from time to time, by the directors, and no assessment shall be laid thereon, to a greater amount, in the whole, than one hundred dollars on each share; and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If said corporation shall not, within one year, file a location of their route in the manner required by law, or if the said rail-road shall not be completed within three years from the passage of this act, then this act shall be void.

The Legislature
may reduce
tolls and profits
after four years.
Provided, &c.

SECTION 5. The Legislature may, after the expiration of four years, from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits upon said road; but, without the consent of said corporation, they shall not be so reduced, as to yield less than ten per cent. per annum to the stockholders.

May enter upon
and use the
Eastern Rail-
road.

SECTION 6. Said corporation may enter, with their rail-road, by proper turnouts and switches, upon the Eastern

Rail-road at Salem, and use the same, or any part thereof, paying therefor such a rate of tolls or compensation as may, from time to time, be agreed upon, or as the Legislature shall establish, and complying with such reasonable rules and regulations as may be established by the Eastern Railroad Company: *provided, however*, that the company hereby established, shall not enter upon said road with any motive power, unless the said Eastern Railroad Company shall refuse to draw over their road, or any part thereof, the cars of the company hereby created. *Provided, &c.*

SECTION 7. The Legislature may authorize any corporation to enter with any other rail-road, at any point upon said Essex Rail-road, and use the same, or any part thereof, paying therefor such a rate of toll as the Legislature may, from time to time, establish, and complying with the rules and regulations which may be established by said Essex Rail-road Company; *provided*, that no corporation shall enter upon said Essex Rail-road with any motive power, unless the Essex Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of such corporation. *The Legislature may authorize its use by any other company.*

SECTION 8. The company hereby created, in crossing with their road the track of the Boston and Maine Rail-road, shall, at their own expense, adopt such reasonable precautionary measures to render such crossing safe, as said Boston and Maine Rail-road shall in writing prescribe; and in case of disagreement in regard to such measures, or the propriety or necessity thereof, the same shall be determined by the county commissioners of Essex County, on the application of either party. *Provided, &c.*

SECTION 9. The owners of wharves at the North Bridge, in Salem, shall have a right to have the damages, which they may sustain, by reason of the building of said road, assessed in the same manner as those whose lands are actually taken for the construction of said road. [Approved by the Governor, March 7, 1846.] *Precautions for crossing the Boston and Maine Road.*

An Act to authorize John W. Trull to extend his Wharves.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

John W. Trull, proprietor of certain wharves fronting on Haverhill street, and between Warren and Charles River Bridges, in the city of Boston, is hereby authorized to extend and maintain said wharves into the harbor channel, as far as the line established, by the act, entitled "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and ends of said wharves, and to receive dockage and wharfage

Chap. 80.

Wharves in Boston may be extended to the line, &c.

Indemnity to owners of wharves at North Bridge.

Provided, &c. therefor; *provided* that so much of said wharves as shall be erected under this act, extending below low water mark, shall be built on piles, which piles shall not be nearer each other than six feet, in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise affect the legal rights of any other persons whatever; and *provided also*, that the said Trull shall extend the common sewer through said wharf or wharves, at his own expense. [Approved by the Governor, March 7, 1846.]

Chap. 81. An Act to set off a part of the Town of Ipswich, and annex the same to the Town of Boxford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lands and persons to be set off and annexed.

That the tract of land containing about ten acres, heretofore situated in the town of Ipswich, in the county of Essex, lying northerly of the following described lines, viz: Commencing at the westerly corner of Ipswich, at a stone marked "Ips. Top. Box.," in land of Isaac Hale, at the corners of Ipswich and Topsfield at Boxford line; and thence running south fifty-four degrees east, sixty-four rods and three links, to a bound stone between Ipswich and Topsfield, at a point northerly of the house of Elbridge S. Bixby; and thence running north twenty-two degrees east sixty-six rods and ten links, to a point on the present line between Ipswich and Boxford, with the inhabitants thereon, be set off from said town of Ipswich and annexed to said town of Boxford; and said inhabitants shall hereafter be considered inhabitants of Boxford, and shall there exercise and enjoy all the rights and privileges, and be subject to all the duties and liabilities in like manner with the other inhabitants of said town of Boxford. *Provided*, the said land and the inhabitants thereon shall be holden to pay all such taxes as have lawfully been assessed or granted by said town of Ipswich, in the same manner as they would have been holden if this act had not been passed. [Approved by the Governor, March 7, 1846.]

Persons so annexed are to pay taxes already assessed.

Chap. 82. An Act in addition to the several Acts incorporating Mutual Life Insurance Companies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Net profits, &c., to be excess over six per cent. paid to holders of guaranty stock.

SECTION 1. The net profits of the business of the Mutual Life Insurance Companies, incorporated in this Commonwealth, one third of which they are required to pay to the Trustees of the Massachusetts General Hospital, shall be taken to be the excess of the dividend over six per centum annually, payable by the said companies respectively, to

the holders of the guaranty capital stock actually paid in: and in case the said guaranty stock shall be redeemed, the company shall continue to pay to the trustees of the said hospital, the same sum annually that they would have been liable to pay if the said guaranty stock had not been redeemed.

Payment not to cease with redemption of guaranty stock.

SECTION 2. Nothing herein contained shall be deemed to invalidate or affect an agreement made by and between the Trustees of the Massachusetts General Hospital and the Massachusetts Hospital Life Insurance Company, and ratified by an act of the General Court, passed January seventeenth, eighteen hundred and twenty-four; nor the rights and duties of the said corporations under and by virtue of the said agreement.

Agreement with Massachusetts Hospital, &c., to stand good.

SECTION 3. This act shall not take effect until the Massachusetts Hospital Life Insurance Company shall have expressed their assent thereto. [*Approved by the Governor, March 7, 1846.*]

When to take effect.

An Act to authorize the First Congregational Parish in Sandwich to sell Ministerial and Parsonage Lands.

Chap. 83.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The First Congregational Parish in the town of Sandwich, is hereby authorized to sell and convey, in fee simple or otherwise, any, or all the ministerial and parsonage lands belonging to said parish, situate in said town; and the treasurer of said parish, or his successor in office, for the time being, are authorized to execute and deliver such deed or deeds, as may be necessary to convey the same, when so directed by said parish.

Parish treasurer may execute conveyances.

SECTION 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct, and the income arising therefrom shall be applied to the support of the ministry in said parish.

Investment and application of income.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1846.*]

When to take effect.

An Act to authorize the extending of the Pine Grove Road across Goff's Cove, in Cambridge.

Chap. 84.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Hiram Brooks, Charles Davenport, Albert Bridges, Sidney Willard, Richard H. Dana, Jr., and their associates, are hereby authorized to extend a dike road, about to be built from Pine Grove to the causey leading to West Boston bridge, situated in the town of Cambridge, across a creek or stream of salt water, near to said causey, known as

Road in Cambridge may be extended across Goff's Cove.

Goff's Cove; and, for the purpose aforesaid, to construct across said cove a solid structure of earth, wood or stone, with one or more sluiceways or culverts, to allow water to run out from said creek, with sufficient gates to shut the sea water from entering into the same: *provided*, this grant shall not in any manner interfere with the legal rights of any person whatsoever; *and provided also*, that said road be commenced before September next, and be completed within eighteen months from the passage of this act. [*Approved by the Governor, March 7, 1846.*]

Provided, &c.

Time of commencement and completion of road.

Chap. 85.

An Act to incorporate the Newbury Spring Bleaching Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to bleach, dye, &c., in Newbury, and to supply water, &c., in Newbury and Newburyport.

SECTION 1. Charles T. James, Charles J. Brockway, their associates and successors, are hereby made a corporation, by the name of the Newbury Spring Bleaching Company, for the purpose of bleaching, dyeing, printing and finishing, in the town of Newbury, county of Essex, and also for the supplying of water, for manufacturing and domestic purposes, in the towns of Newbury and Newburyport, in said county; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$200,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars.

May open the ground in streets, &c., in Newbury and Newburyport to lay pipes, &c., with the consent of the selectmen.

Provided, &c.

SECTION 3. Said corporation, with the consent of the selectmen of the towns of Newbury and Newburyport respectively, shall have power and authority to open the ground in any part of the streets, lanes and highways in said towns, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purposes aforesaid; and the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen of the towns of Newbury and Newburyport, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said corporation, respecting the sinking and repairing the pipes and conductors, which may, in any manner, affect the safety and convenience of the inhabitants of said towns.

Fire plugs may be attached to the pipes, &c. by towns, without charge for water.

SECTION 4. The towns of Newbury and Newburyport shall be allowed to attach fire plugs to the pipes of said corporation, the water from which to be used only for the extinguishment of fires, and then without charge therefor.

All the water not required for manufacturing purposes shall be furnished to the citizens of said towns for domestic purposes, at reasonable rates.

Charges for water for domestic purposes.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 7, 1846.*]

When to take effect.

An Act concerning Annual Returns of Savings Banks and Institutions for Savings.

Chap. 86.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The treasurer of every savings bank and institution for savings shall, as often as once in every year, make return of the state thereof, as it was at the close of business on the last Saturday of some preceding month, to be designated by the Governor; which return shall be made to the Secretary of the Commonwealth, within fifteen days after an order to that effect; and said return shall specify the following particulars, namely: place where located; name of corporation; number of depositors; amount of deposits; public funds, stating amount of each; loans on public funds, stating amount on each; invested in bank stock, stating amount in each; loans on bank stock, stating amount on each; deposits in banks bearing interest, stating amount in each; loans on rail-road stock, stating amount on each; invested in real estate; loans in mortgage of real estate; loans to county or town; loans on personal security; cash on hand; rate and amount of ordinary dividend for last year; average annual per cent. of dividends of last five years; annual expenses of the institution. All of which shall be certified and sworn to by the treasurer; and five or more of the trustees or managers of the corporation shall also certify and make oath, that the said return is correct, according to their best knowledge and belief.

Treasurers of Savings Banks to make returns to the Secretary.

SECTION 2. Blank forms of such returns shall be furnished to every such corporation by the Secretary of the Commonwealth; and he shall prepare suitable yearly abstracts thereof, and lay the same before the Legislature.

Secretary to distribute blanks for returns, and to prepare and publish abstracts.

SECTION 3. The eighty-second and eighty-third sections of the thirty-sixth chapter of the Revised Statutes, are hereby repealed. [*Approved by the Governor, March 7, 1846.*]

Repeal of inconsistent provisions.

An Act to incorporate the Citizens Mutual Insurance Company, in the town of Brighton.

Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Edward Sparhawk, James Greenwood, Jonathan Winship, their associates and successors, are hereby made a corporation, by the name of the Citizens Mutual Insurance

Persons incorporated, in Brighton, to insure fire risks for 28 years.

Company, in the town of Brighton, in the county of Middlesex, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [Approved by the Governor, March 7, 1846.]

Chap. 88.

An Act relating to the support of Convicts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Maintenance of alien convicts committed to workhouses, &c.

SECTION 1. Whenever any person, not having any legal settlement within this Commonwealth, shall be committed to any workhouse, by virtue of any law of this Commonwealth, for any cause for which such person might be committed to the house of correction, there shall be allowed and paid, for the support and maintenance of such person during the time of his commitment, the same sum as would have been allowed and paid if such person had been committed to the house of correction.

Way and manner of payment to overseers.

SECTION 2. The sum to be allowed and paid for the support of any person committed to any workhouse, as provided in the preceding section, shall be paid to the overseers of such workhouse, in the same way and manner as is provided, in the one hundred forty-third chapter of the Revised Statutes, for the payment of the expense of supporting and maintaining persons committed to houses of correction. [Approved by the Governor, March 9, 1846.]

Chap. 89.

An Act to incorporate the Methuen Bleaching and Dyeing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture cotton and woollen goods and to bleach, &c. in Methuen.

SECTION 1. J. W. Paige, Ebenezer Hobbs, J. Huntington Wolcott, their associates and successors, are hereby made a corporation, by the name of the Methuen Bleaching and Dyeing Company, for the purpose of manufacturing cotton and woollen goods, and for bleaching, calendering, dyeing, and printing, in the town of Methuen, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$500,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars. [Approved by the Governor, March 10, 1846.]

An Act to establish the Newburyport Rail-road Company

Chap. 90.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Dennis Condry, John Huse, Enoch S. Williams, John Wood, and Edward S. Mosely, their associates and successors, are hereby made a corporation, by the name of the Newburyport Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to rail-road corporations, and in the several statutes subsequently passed relating to such corporations.

Persons incorporated.

SECTION 2. The said rail-road company is hereby authorized and empowered to locate, construct, and fully complete a rail-road, with one or more tracks, from Newburyport to or near Georgetown Corner, so called, in said Georgetown, upon or near the following route, viz:—Beginning at some convenient point between the Newburyport turnpike and the present Eastern Rail-road depot, in or near said Newburyport; thence southwesterly over or near Common Pasture, so called, to a point near the head of the Downfall Road, so called, in Newbury; thence continuing a southwesterly course and crossing Parker River, near Pearson's Mills, in Byfield; thence north of the Georgetown road, and passing near Dole's Mills in Georgetown, at or near a point of land of Daniel Pusey, about one fourth of a mile northeast of Savery's Hotel in said Georgetown.

Location of the road.

SECTION 3. The capital stock of said rail-road company shall consist of not more than two thousand shares, the number of which shall be determined, from time to time, by the directors, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and the said corporation may purchase and hold such real estate, materials, cars, engines, and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandise, and may also construct a merchandise depot at some convenient site, at or near the water in or near the town of Newburyport.

Capital stock not to exceed \$200,000 in shares of \$100.

Investment.

SECTION 4. If said rail-road company be not organized, and the location of said road be not filed according to law, within one year from the first day of September next, or if the said company shall not complete their said road on or before the first day of September, in the year one thousand eight hundred and forty-nine, this act shall be void.

Time for location and completion of road.

SECTION 5. The Legislature may authorize any company to enter with another rail-road, at any point of said Newburyport rail-road, and use the same, or any part thereof,

The Legislature may authorize its use by any other company.

Provided, &c.

paying therefor such a rate of toll, or compensation, as the Legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Newburyport Rail-road Company: *provided, however*, that no other corporation shall enter upon said Newburyport Rail-road, with any motive power, unless the said Newburyport Rail-road Company shall refuse to draw over their road, or any part thereof, the cars of any other rail-road corporation which may be authorized to enter with their rail-road upon the said Newburyport Rail-road.

The Legislature may reduce tolls and profits, after four years; *provided, &c.*

SECTION 6. The Legislature may, after the expiration of four years from the time when the said road shall be opened for public use, from time to time, alter or reduce the tolls or other profits upon said road; but the said tolls shall not, without the consent of said corporation, be so reduced as to produce less than ten per centum per annum.

May be united with the Georgetown Branch Rail-road Company.

SECTION 7. The said Newburyport Rail-road Company, and the Georgetown Branch Rail-road Company, are hereby authorized and empowered to unite and form one company, whenever it shall be so voted by each company at meetings thereof duly notified for that purpose; and, when the said company shall be so united, the stockholders of one company shall become the stockholders in the other, and the two companies shall constitute one corporation, under the name of the Newburyport Rail-road Company; and the said last mentioned company shall have all the franchises, property, powers, and privileges, and be subject to all the restrictions and liabilities of said companies respectively: *provided, however*, that the time for filing the location of the said Georgetown Branch Rail-road, is hereby extended to the first day of September, in the year one thousand eight hundred and forty-seven, and the time for completing the said branch rail-road is hereby extended to the first day of September, one thousand eight hundred and forty-nine. [*Approved by the Governor, March 11, 1846.*]

Provided, &c.

Chap. 91.

An Act to establish the Framingham Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated in Framingham.

Moses Edgell, Calvin Shepard, Jr., and Charles R. Train, their associates and successors, are hereby made a corporation, by the name of the Framingham Savings Bank, to be established in Framingham, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth

chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to savings banks. [*Approved by the Governor, March 11, 1846.*]

An Act to authorize the town of Weymouth to transfer a Right of Fishing.

Chap. 92.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. From and after the time of this act going into effect, the Weymouth Iron Company shall have, and enjoy, all the rights and privileges, in respect to the taking of alewives, within the limits of the town of Weymouth, now belonging to said town, and any committee and any member or members of said committee, that shall be appointed from time to time, by said company, or by the directors thereof, to regulate, superintend or have charge of, or the care and management of, the taking and disposing of said fish, shall dispose of the same for the benefit of said company, and account with said company for the proceeds thereof, and such committee, or either of them, shall have power and authority to remove from, or out of, Back River, in said town, and the brooks and streams, leading to Great Pond and Whitman's Pond, in said town, any obstructions that may be made to the free passage of said fish into said ponds, or repassing from them into the sea ; and said committee going, or either of them, into the land of any person or persons for this purpose, shall not be deemed or held as a trespass, and the said committee, or a major part of them, (if more than one,) shall determine the particular place or places, where the said fish shall be taken, and give public notice thereof by posting up one or more notifications in some conspicuous place or places in said town, on or before the first day of May annually.

SECTION 2. No person shall catch or take any of said fish, in any of the rivers, brooks or streams, canals or water channels, leading to or from the said ponds, without the direction or leave of said committee, or a major part of them, and whosoever shall take, kill or haul on shore, any of said fish, with a seine, scoop-net, or drag-net, in either of the ponds aforementioned, or in Weymouth Back River, or in the river, brooks, streams, canals or channels, through which the said fish pass into said ponds, or shall, with any seine, scoop-net or drag-net, or in any other way, obstruct the passage of said fish to or from said ponds or either of them, or shall obstruct said committee, or either of them, in the execution of their duty, shall, for each such offence, forfeit and pay a sum not exceeding thirteen dollars nor less than ten dollars, and in case the offence be committed in the

Rights of Weymouth in the alewife fishery transferred to the Weymouth Iron Company.

To be exercised by committee,

who may remove obstructions, &c.,

and determine fishing grounds, giving notice, &c.

Prohibition of taking fish, &c., without leave of committee.

Also, of obstructing passage, or committee.

Penalties for violation of law.

One third part
of forfeit to in-
formers.

Competency of
witnesses.

Right of house-
holders to pur-
chase alewives.

Provided, &c.

Penalty for re-
fusal to sell.

Former agree-
ment and act to
remain in force,

with substitu-
tion of Wey-
mouth Iron
Company for
town of Wey-
mouth.

night, a sum not exceeding thirty dollars, nor less than twenty dollars, to be prosecuted or sued for and recovered in any court proper to try the same, in an action on the case or other proper form of action in the name of said Weymouth Iron Company, or the name or names of such committee, for the benefit of said company, saving when any person shall give information of any breach of this act, he shall, upon conviction of the offender, be entitled to one third part of the forfeiture recovered, and no person shall be considered as disqualified from being a witness on any trial that may be had pursuant to this act, on account of his being an inhabitant of said town, or of his being a member of said committee.

SECTION 3. Each householder in said town of Weymouth, shall, on his making seasonable application for that purpose to said committee, or any member thereof, or to the person employed by said committee to superintend, regulate and manage, the taking of said fish at the place, or any of the places, for taking the same, have the right to purchase four hundred fresh alewives for his own consumption, of those which shall be taken each year, under authority of said committee, at the price of twenty-five cents per hundred, before said alewives shall be cured or otherwise disposed of; *provided*, the person so applying shall be ready seasonably to pay for and remove said quantity, and, in case any such inhabitants so applying and being so ready to pay for, and remove said quantity of said fresh fish, shall not be supplied therewith, as far as the quantity taken under authority of said committee shall suffice for the purpose, said company shall forfeit to him the sum of five dollars, to be sued for and recovered by him in his own name in an action of debt or on the case, or other proper action or proceeding against said corporation, or against said committee or any member thereof, in any court proper to try the same.

SECTION 4. The agreement heretofore entered into between the proprietors of the falls and water privileges on Alewife River, otherwise called Back River, and the town of Weymouth, as recited in the preamble of the special act of 1825, chapter forty-eight, entitled An Act in addition to an "Act for regulating and disposing of the Fish called Alewives, within the limits of the town of Weymouth, and for the more effectually securing to said town the advantages thereof," shall still be and remain in force, as also said additional act, the foregoing provisions of this act notwithstanding, excepting that, in respect to the provisions of said additional act, the said Weymouth Iron Company shall be substituted in the place of the town of Weymouth, as a party to the terms of said agreement, and the provisions of said additional act; and any committee appointed by said company, from time to time, in pursuance of the provisions of the first

section of this act, shall be substituted in the place of, and have the rights, powers, and duties of, and be subject to the provisions of said additional act, relating to the fish committee of said town.

SECTION 5. The purchase money for said privilege, paid to said town of Weymouth, in pursuance of this act, shall be kept as a fund to be managed and invested by the treasurer of said town of Weymouth, or by any person or committee appointed or authorized by said town, for the purpose, and the same shall be loaned only on security of real estate, except to said town, and the annual interest and income of said fund, shall be annually expended for the support of schools in said town, to be divided in the same manner as other moneys raised for the support of schools.

Investment and use of purchase money.

SECTION 6. This act shall go into effect on said town of Weymouth causing to be conveyed to said company the fish house for said fishery, and the land under the same, and adjoining thereto, belonging to said town, and the said company paying to the selectmen of said town, or either of them, a sum of money, the annual interest of which, at the rate of six per cent. per annum, is, or shall be, assented and agreed to, by said selectmen, as sufficient to yield an annual interest equal to the net annual income of said fishery for the last thirty years. [Approved by the Governor, March 11, 1846.]

When to take effect.

An Act to continue in force an Act to incorporate the Lynn Institution for Savings.

Chap. 93.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act passed on the twentieth day of June, in the year one thousand eight hundred and twenty-six, entitled An Act to incorporate the Lynn Institution for Savings, shall be, and remain in force without limitation as to a term of time ; and said institution shall be continued as a corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings. [Approved by the Governor, March 11, 1846.]

Incorporation continued without limitation.

An Act respecting Corporations for Mutual Improvement and the Promotion of Education.

Chap. 94.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Corporations may be formed pursuant to the seventh section of the forty-first chapter of the Revised

Lycium not necessary in the corporate name.

Statutes, either by the name of "Lyceum," as is therein provided, or by any other corporate name which the associates shall adopt.

Extension of
privileges.

SECTION 2. Corporations formed in pursuance of the said seventh section may, in addition to the powers and privileges therein granted, have and exercise all the powers and privileges granted by the first six sections of said forty-first chapter, and may hold real and personal estate to any amount not exceeding twenty thousand dollars, in addition to the value of their books. [*Approved by the Governor, March 11, 1846.*]

Estate not to
exceed
\$20,000, be-
sides books.

Chap. 95.

An Act to establish the City of Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Roxbury to be
a city.

SECTION 1. The inhabitants of the town of Roxbury shall continue to be a body politic and corporate, under the name of the city of Roxbury, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town as a municipal corporation.

Administration,
&c., to be
vested in a
mayor, 8 alder-
men, and 24
common coun-
cilmen, &c.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight, to be called the board of aldermen; and one council of twenty-four, to be called the common council: which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either board shall receive any compensation for his services.

Boards to serve
without com-
pensation.

Selectmen to
divide the town
into 8 wards,
&c.

SECTION 3. It shall be the duty of the selectmen of the town of Roxbury, as soon as may be, after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards, as follows, to wit: *first*, by drawing a line between the second and third parishes, as near the old territorial parish line as may be convenient, constituting the second parish one ward; *second*, by drawing a line in the same manner between the first and third parishes, and dividing the third parish into two wards, to contain, as nearly as may be convenient, an equal number of inhabitants, *third*, by dividing the first parish into five wards, as nearly equal in number of inhabitants as may be consistent with convenience in other respects.

Arrangement
thereof to be re-
vised every 5

It shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards in such

manner as to preserve, as nearly as may be, an equal number of voters in each ward: *provided, however*, that the second parish shall always constitute at least one ward, and the third parish shall constitute at least two wards without any addition of territory to either.

years by the
city council.
Provided, &c.

SECTION 4. On the second Monday in March, annually, there shall be chosen by ballot in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act.

Election, qualifications, and duties of wardens, clerks,

It shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden pro tempore shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk pro tempore shall be chosen by ballot. The clerk shall record all the proceedings and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. It shall be the duty of the inspectors of elections, to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors, so chosen, shall respectively make oath or affirmation, faithfully and impartially to discharge their several duties, relative to all elections, which oath may be administered by the clerk of such ward, to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Norfolk.

and inspectors
of elections.

To serve under
oath, &c.

All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned in such manner, and at such times, as the city council may, by any by-law, direct.

Warrants for
ward and city
meetings.

SECTION 5. The mayor and eight aldermen, one alderman to be selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards, and three common council men shall be elected from and by the voters of each ward, and shall be residents of the wards in which they are elected; all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April, and the mayor, until another shall be elected and qualified in his place.

Election and
term of office,
of mayor, aldermen, and
common councilmen.

SECTION 6. On the second Monday in March, annually, immediately after a warden, clerk, and inspectors shall have been elected and sworn, the qualified voters in each ward shall give in their votes for mayor, aldermen, and common council men, as provided in the preceding section;

Proceedings at
meetings for
elections.

and all the votes so given, shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records in words at length.

Certificates of election to members of common council.

The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner:

Provided, &c.

provided, however, that if the choice of common council men cannot be conveniently effected on that day, the meeting may be adjourned, from time to time, to complete such election.

Notification to mayor.

The board of aldermen shall, as soon as may be convenient, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor, to be notified in writing of his election; but if it shall appear that no person has received a majority of all the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided, for the choice of mayor, and repeated, from time to time, until a mayor is chosen.

Proceedings in case of failure to elect a mayor.

In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council in convention, to elect a mayor for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed.

Proceedings to supply vacancy in the office of mayor,

and of aldermen.

And, if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had, as are herein before provided for choice of mayor.

Notification to aldermen.

Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

Administration and record of oaths of office.

The oath prescribed by this act, shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Norfolk.

The aldermen and common council men elect, shall, on the first Monday of April, at 10 o'clock in the forenoon, meet in convention, when the oath required by this act, shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Norfolk, and a certificate of such oath, having been taken, shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

Record, &c., in case of failure to choose a mayor.

Whenever it shall appear that no mayor has been elected previously to the said first Monday in April, the mayor and aldermen for the time being, shall make a record of that

fact; an attested copy of which, the city clerk shall read at the opening of the convention to be held as aforesaid.

After the oaths have been administered as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and a clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties.

Organization of common council.

In case of the absence of the mayor elect, on the first Monday in April, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Proceedings in case of absence of the mayor elect at the time for organization.

In the absence of the mayor, the board of aldermen may choose a chairman pro tempore, who shall preside at joint meetings of the two boards.

Mayor pro tempore.

Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and in failure of election, or in cases of vacancy, may order new elections. And in case of any such vacancy, declared by either board, the mayor and aldermen shall order a new election.

Duties of each board as to records, rights to seats, and new elections.

SECTION 7. The mayor, thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members; he shall communicate, from time to time, to both of them, such information, and recommend such measures, as in his opinion, the interests of the city may require; he shall preside in the board of aldermen, and in convention of the two branches, but shall have only a casting vote.

Duties of mayor.

The salary of mayor for the first year in which this charter shall take effect, shall be six hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen, and he shall have no other compensation; *provided, however*, that the city council shall have power to appoint the mayor, commissioner of highways, when in their opinion such an office is necessary, and allow him a suitable compensation therefor.

Compensation.

SECTION 8. The executive power of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Roxbury, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.

Mayor may be commissioner of highways.

Executive powers of selectmen transferred to mayor and aldermen.

The mayor and aldermen shall have full and exclusive

Power of may-

or, &c., in respect to appointments, removals,

power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure.

requiring bonds,

And the mayor and aldermen may require any person appointed a constable of the city, to give bonds with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had, as are by law provided in case of constables' bonds taken by the selectmen of towns.

and licenses.

And the mayor and aldermen shall have the same power to grant licenses to inn-holders, victuallers and retailers within the city, which is possessed by the mayor and aldermen of the city of Boston.

City council to appoint, &c., certain officers.

The city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot in convention, a treasurer and collector of taxes, a chief engineer, a city clerk, and three assessors of taxes, and fix their compensations. They shall, also, in such manner as they shall determine, appoint or elect all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties and fix their compensations.

Sittings to be public, *provided, &c.*

All sittings of the common council shall be public, and all sittings of the mayor and aldermen, shall also be public when they are not engaged in executive business.

Safe keeping, &c., of city property.

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties, from all persons trusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, with the power to let, or to sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to nominate, &c.

SECTION 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen; *provided, however*, that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen or of the common council.

Provided, &c.

Duties, &c., of city clerk.

SECTION 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful per-

formance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Roxbury. He shall be chosen for one year, and until another shall be chosen and qualified in his place, but may be at any time removed by the city council.

SECTION 11. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, one person in each ward to be an overseer of the poor, who shall be a resident of said ward, and the persons thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers and be subject to all the duties now by law appertaining to the overseers of the poor for the town of Roxbury.

Overseers of the poor.

The qualified voters shall, at the same time, and in the same manner, elect three persons from the city at large, and two persons from each ward to be members of the school committee, and the persons thus chosen shall constitute the school committee, and have the care and superintendence of the public schools.

School Committee.

The qualified voters shall, at the same time, and in like manner, elect one person in each ward to be an assistant assessor, who shall be a resident of said ward, and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty.

Assistant assessors.

The persons to be chosen by the city council as assessors shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns.

Assessors.

All taxes shall be assessed, apportioned, and collected in the manner prescribed by law relative to town taxes: *provided, however*, that it shall be lawful for the city council to establish further and additional provision for the collection thereof.

Assessment, apportionment and collection of taxes.

Should there fail to be a choice of overseers of the poor, members of the school committee, or assistant assessors, in any ward, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the Senate of this Commonwealth.

Proceedings to fill vacancies in said boards.

SECTION 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. And

Powers of city council, and of mayor and aldermen, in respect to streets and ways.

Appeals for damages.

any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Norfolk, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of the Commonwealth in cases when persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

Health officers.

SECTION 13. All power and authority now by law vested in the board of health for the town of Roxbury, or in the selectmen of said town, shall be transferred to, and vested in the city council, to be carried into execution in such manner as the city council shall deem expedient.

Power of city council in respect to drains and common sewers,

SECTION 14. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lands, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

and to the inspection, &c. of wood, &c.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement, and sale of lumber, wood, coal and bark, brought into the city for sale.

Breaches of by-laws, &c may be prosecuted before a justice of the peace, &c.

SECTION 15. All fines, forfeitures and penalties, accruing for the breach of any by-law of the city of Roxbury, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered, before any justice of the peace in said city of Roxbury, by complaint or information, in the name of the Commonwealth, in the same way and manner in which other criminal offences are now prosecuted before the justices of the peace within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the court of common pleas, then next to be held in the county of Norfolk, from the judgment and sentence of any justice of the peace.

With right of appeal.

And the appeal shall be allowed on the same terms, and the proceedings be conducted therein in the same manner as provided in the one hundred and thirty-eighth chapter of the Revised Statutes of this Commonwealth.

Form of complaint.

It shall be sufficient, in all such prosecutions, to set forth in the complaint, the offence fully, plainly, substantially, and formally, and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof.

Fines, &c., payable to treasurer, &c.

All fines, forfeitures, and penalties, so recovered and paid, shall be paid to the treasurer of the city of Roxbury, and shall enure to such uses as said city council shall direct.

When any person, upon any conviction before a justice of the peace, for any breach of any by-law of said city of

Roxbury, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture, provided by any such by-law, ordinance, or order, or upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior, and upon not paying the fine, penalty or forfeiture, and costs so assessed upon him, he shall be committed to prison, there to remain until he or she shall pay such fine, forfeiture, or penalty and costs, or be otherwise discharged according to law.

Failure to pay fines, &c., for breach of by-laws, &c., punishable with imprisonment.

The provisions of this section shall also apply to all prosecutions founded on the by-laws or ordinances of the town of Roxbury, which may continue in force after this act shall go into operation.

Provisions of this section to be extended to by-laws, &c., of town.

SECTION 16. It shall be the duty of the city council annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Duty of city council to determine number of representatives in General Court, &c.

SECTION 17. All elections for County, State, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes, given for said several officers respectively, shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length. The ward clerk shall forthwith deliver to the city clerk, a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution, and the laws of the Commonwealth.

Proceedings at and after meetings for election of County, State, and Federal officers.

Lists of voters.

SECTION. 18. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors, assistant assessors, and city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

Meetings of the citizens.

SECTION 19. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good; to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisitions of fifty qualified voters.

First organization of city government.

SECTION 20. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Roxbury for the time being, shall, on some day during the month of March or April of the present year, issue their warrants seven days at least previous to the day so appointed for calling meetings of the said citizens at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act, and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof in the manner hereinbefore provided, to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided. And the selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, in the year one thousand eight hundred and forty-six, and shall also fix upon the place and the hour of said

first meeting, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

Subsequent organizations.

It shall be the duty of the city council immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified. And at the meetings to be called, as prescribed in this section, for the choice of ward and city officers, the said inhabitants may, and shall also give in their votes for county officers, which votes shall be recorded, certified and returned in the manner provided in the seventeenth section of this act.

Appointment of city officers by city council.

Votes for county officers.

SECTION 21. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court or other authority whatever: *provided, however*, that all laws and regulations now in force in the town of Roxbury, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law or ordinance, shall be paid into the city treasury.

Power of city council to make by-laws with penalties, &c.

Provided, &c.

SECTION 22. The annual town meeting for the town of Roxbury, which by law is required to be held in the month of March or April, is hereby suspended, and all town officers now in office, shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

Annual town meeting suspended, &c., and town officers to hold over, &c.

Proceedings in case of non-acceptance of this charter.

SECTION 23. All officers of the town of Roxbury having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Delivery of records, &c., to city clerk.

SECTION 24. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent provisions.

SECTION 25. Nothing in this act contained shall be so

Legislature

may alter and amend this act.

Act to be void, unless accepted by inhabitants.

When to take effect.

construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

SECTION 26. This act shall be void, unless the inhabitants of the town of Roxbury, at a legal town meeting called for that purpose, shall, by a vote of a majority of the voters present, and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage.

SECTION 27. This act shall go into operation from and after its passage. [*Approved by the Governor, March 12, 1846.*]

Chap. 96.

An Act relating to the erection of Furnaces for the making of Glass.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Glass furnaces may not be erected, except by license, &c.

SECTION 1. No furnace for the making of glass shall be hereafter erected or put up for use in any city or town in this Commonwealth, unless a license therefor shall be first granted in the manner provided in the first section of the one hundred and ninety-seventh chapter of the acts of the Legislature, passed in the year one thousand eight hundred and forty-five, and such license shall be applied for, granted and recorded in the manner provided in said act.

Furnace, erected without license, to be deemed a nuisance, and may be removed.

SECTION 2. Any such furnace hereafter erected, without such license, shall be deemed and taken to be a common nuisance, without any other proof than proof of its use, and may be abated and removed in the manner provided in said act.

Act not to be in force till accepted, &c.

SECTION 3. This act shall not be in force in any town or city, unless the same shall be adopted in the manner provided in the tenth section of the act aforesaid.

When to take effect.

SECTION 4. This act shall be in force from and after its passage. [*Approved by the Governor, March 12, 1846.*]

Chap. 97.

An Act concerning Rail-roads.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of provision for location by county commissioners.

SECTION 1. The seventy-fourth section of the thirty-ninth chapter of the Revised Statutes is hereby repealed.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1846.*]

Chap. 98.

An Act to incorporate the Charlestown Gas Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. George Washington Warren, James Dana, William Sawyer, their associates and successors, are hereby

made a corporation by the name of the Charlestown Gas Company, for the purpose of manufacturing and disposing of gas in the town of Charlestown in the county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of said town of Charlestown, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid. And the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance; *provided*, that the said selectmen for the time being, shall, at all times have power to regulate, restrict and control the acts and doings of said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town. [*Approved by the Governor, March 12, 1846.*]

to manufacture and sell gas in Charlestown.

Real estate not to exceed \$50,000, and capital stock \$200,000.

May open the ground in streets, &c., of Charlestown with consent of selectmen.

Provided, &c.

AN ACT to establish Teachers' Institutes.

Chap. 99.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever reasonable assurance shall be given to the Board of Education, that a number not less than seventy teachers of common schools, shall desire to assemble for the purpose of forming a Teachers Institute, and to remain in session for a period not less than ten working days, the said board, by a committee of their body, or by their secretary, or in case of his inability, by such person or persons as they may delegate, shall appoint a time and place for said meeting, make suitable arrangements therefor, and give due notice thereof.

SECTION 2. For the purpose of defraying the expenses of rooms, fires, lights, attendance, or other necessary charges, and for procuring teachers and lectures for said institute, the said board, their secretary or other person or persons duly appointed by them, may draw upon the treasurer of the Commonwealth, for a sum not exceeding two hundred dollars for any one institute, from such fund as may be in the treasury, under the general warrant of the Governor for said purpose.

Meetings for not less than ten days to be appointed, &c., by the Board of Education at the request of not less than 70 teachers.

Expenses, not exceeding \$200 for each institute, to be defrayed—

SECTION 3. To meet the expenses aforesaid, the Governor from the capi-

tal of the School Fund, to an amount not exceeding \$2500 per annually.

is hereby authorized to draw his warrant upon the treasurer for a sum not exceeding twenty-five hundred dollars per annum, to be taken from the capital of the school fund, and to remain in the treasury subject to the drafts, provided for in the second section of this bill. [*Approved by the Governor, March 12, 1846.*]

Chap 100.

An Act to incorporate the town of Ashland.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Parts of Hopkinton, Framingham and Holliston, to be set off.

SECTION 1. That all the territory now within the towns of Hopkinton, Framingham and Holliston, in the county of Middlesex, comprised within the following limits, that is to say : Beginning at the westerly corner of said territory, at a point in the line between Hopkinton, in the county of Middlesex, and Southborough, in the county of Worcester, at the centre of Concord River, due north of a monument, situated at the south side of said river; thence southerly, passing a few rods west of the house of Peter Walker, to the southwest corner of the Wilson saw mill meadow; thence southeasterly, to a point ten rods northeast of the northeast corner of the house of Nehemiah Peirce; thence southerly, to a point on the north side of the road leading from the house of Amara Eames, by schoolhouse in the district No. 3, in Hopkinton, said point being situated twenty rods westerly of the intersection of the north line of said road with the west line of the road leading by the house of Ezra Rockwood, to that part of Hopkinton now called Unionville; thence easterly to a point situated forty rods due south of the southeast corner of the house of Daniel Eames; thence northeasterly to the line of the town of Holliston; thence passing across the north part of Holliston to a monument at Dapping Brook, between the towns of Holliston and Sherburne; thence northerly on the line between the last named towns, to the town of Framingham; thence easterly on the line between Framingham and Sherburne to the "Ploughshare," so called; thence north four degrees east, two hundred and thirty-nine rods to a monument; thence northwesterly to the intersection of Rice Brook, with the road leading by the house of William Badger in Framingham; thence more westerly to the line between the towns of Framingham and Southborough; thence southwesterly on the line between said towns, four hundred rods, to a monument near the west side of the road leading by the house of Nathan Bridges; thence southerly between the last named towns to an iron bolt in the centre of Concord River, said bolt being the bound between the towns of Framingham, Hopkinton and Southborough; thence westerly by the centre of said river to the first mentioned bound, is here-

by incorporated into a town by the name of Ashland; and said town of Ashland is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subject, by the constitution and laws of this Commonwealth.

SECTION 2. The inhabitants of said town of Ashland shall be holden to pay all arrears of taxes, which have been legally assessed upon them by the towns of Hopkinton, Framingham and Holliston, respectively, and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurers of the towns of Hopkinton, Framingham and Holliston, respectively, in the same manner as if this Act had not been passed, and also their proportion of all county and State taxes that may be assessed upon them, previously to the taking of the next State valuation; said proportion to be ascertained and determined by the last valuation in the said respective towns.

Inhabitants of Ashland to pay arrears of taxes, &c., to treasurers of Hopkinton, Framingham and Holliston, &c.

SECTION 3. The said town of Ashland shall, hereafter, be liable to pay one twelfth part of the expenses hereafter necessarily incurred in the support of all paupers, who, at the time of passing this act, are receiving support from the town of Framingham, and one fifth part of the expenses so incurred by the town of Hopkinton, for the support of paupers at present receiving relief from Hopkinton, and one eighth part of the expenses so incurred by the town of Holliston, in the support of paupers, at present receiving relief from said Holliston.

Support of paupers.

SECTION 4. In case any disagreement shall arise between said Ashland and said Framingham, Holliston or Hopkinton, in respect to the expenses in support of paupers, under this act, the court of common pleas for the county of Middlesex, are hereby authorized to, and shall, on application of either town interested, appoint three disinterested persons to hear the parties and award thereon; which award, when accepted by said court, shall be final.

Differences in respect thereto, to be settled by arbitrators, &c.

SECTION 5. The said town of Ashland, shall remain parts of the towns of Framingham, Hopkinton and Holliston, for the purpose of electing the representative to the General Court, to which said towns are respectively entitled, and for the purpose of electing State officers, and Senators, Representative to Congress, and electors of President and Vice President of the United States, until the next decennial census of the inhabitants shall be taken, in pursuance of the thirteenth article of Amendment of the Constitution; and the meeting for the choice of such representatives, State officers and senators, shall be called by the selectmen of said respective towns; the selectmen of Ashland shall make a true list of persons belonging to the territory of each of said towns, hereby incorporated into the town of Ashland,

Provisions for the choice of State and Federal officers.

qualified to vote at every such election, and the same shall be taken and used by the selectmen of said respective towns, for such elections, in the same manner as if prepared by themselves.

Assessment of expense of roads now located.

SECTION 6. The said towns of Framingham, Hopkinton, Holliston and Ashland, shall be holden to pay the expenses of the construction of all roads within their respective limits, which have been located but not made.

Farm of Holliston in Ashland, to be exempt from taxation, &c.

SECTION 7. The farm now owned by the town of Holliston, within the territory hereby erected into the town of Ashland, as a place for the employment and maintenance of the poor of the town of Holliston, shall not be liable to any taxation by the town of Ashland, so long as said farm is owned and used by the town of Holliston, as a place for such maintenance and employment.

Interest of Hopkinton in surplus revenue received by Ashland.

SECTION 8. The town of Ashland shall be holden to refund, to the town of Hopkinton, one fifth part of the surplus revenue of the United States, heretofore received by said town of Hopkinton, in case that said town shall ever be required to refund the same.

Debt of Ashland to Hopkinton.

SECTION 9. The town of Ashland shall pay to the town of Hopkinton, within four years from the passage of this act, the sum of six hundred dollars with interest thereon, in full compensation for their proportion of the town debt of Hopkinton.

Call of meeting for choice of town officers.

SECTION 10. Any justice of the peace in the county of Middlesex, is hereby authorized to issue his warrant to any principal inhabitant of the town of Ashland, requiring him to warn the inhabitants of said town, to meet at the time and place therein appointed, for the purpose of choosing all such town officers, as towns are by law authorized and required to choose, at their annual meetings.

When to take effect.

SECTION 11. This act shall be in force from and after its passage. [Approved by the Governor, March 16, 1846.]

Chap 101.

An Act to authorize John Hoppin to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

John Hoppin is hereby authorized to extend and maintain his wharf on Charles Street, in the city of Boston, immediately adjoining his main wharf, situate between, and about equally distant from West Boston Bridge and the Mill Dam, in the direction in which it now runs, to the line established by the acts concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and ends of said wharf, and receive wharfage and

dockage therefor: *provided*, that so much of said wharf, as *Provided, &c.* shall extend below low water mark, shall be built on piles, which shall not be nearer to each other than six feet in the direction of the stream and eight feet in a transverse direction, and that the provisions of this act shall not interfere with the private rights of any person, or persons, whatever. [*Approved by the Governor, March 17, 1846.*]

An Act to authorize Joseph W. Nye, and others, to build a Wharf.

Chap 102.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Joseph W. Nye, and others, proprietors in common, are hereby authorized to build and maintain a wharf of suitable width, at Rocky Point Landing, so called, in Cotaumut Harbor, in the town of Falmouth, to commence at high-water mark, and to run in a northerly direction to the line of the channel of said harbor, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, March 17, 1846.*]

Wharf may be built in Falmouth to the channel, &c.

Provided, &c.

An Act authorizing Samuel Cook to build a Wharf in Provincetown Harbor.

Chap 103.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Samuel Cook is hereby authorized to build a wharf from his land, adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide: *provided*, that this grant shall in no wise impair the legal rights of any persons whatever. [*Approved by the Governor, March 17, 1846.*]

Wharf may be built in Provincetown.

Provided, &c.

An Act to authorize William Cobb to build a Wharf in Dighton.

Chap 104.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William Cobb is hereby authorized to build and maintain a wharf, from land owned by him in the town of Dighton, situate on the westerly side of Taunton Great River, so called, and adjoining said river, between Zebulon's Landing, so called, and Reuben's Island, so called, a distance not exceeding three hundred feet in width: *provided*, said wharf shall not extend into the harbor or channel so as to impede the navigation of said river; and shall have the right to lay vessels at said wharf, and to receive dockage and wharfage therefor: *provided, also*, that the provisions of this act shall in no wise affect the legal rights of any

Wharf may be built in Dighton.

Provided, &c.

persons or corporations whatever. [*Approved by the Governor, March 17, 1846.*]

Chap 105.

An Act to authorize Eleazer Rich, and others, to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built in Truro to the channel, &c.

Eleazer Rich, and his associates, are hereby authorized to build and maintain a wharf in the harbor of Truro, at or near a point called Newcomb's Point, running in a northerly direction, until it shall reach the channel of said harbor, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, said wharf shall not exceed three hundred feet in width, and that this act shall in no wise affect the private rights of any person, or persons, whatever. [*Approved by the Governor, March 17, 1846.*]

Provided, &c.

Chap 106.

An Act to authorize Valentine Doane, and others, to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built in Harwich, &c.

Valentine Doane, and his associates, are hereby authorized to build and maintain a wharf at the harbor called Marsh Bank, in the town of Harwich, of such length and width as the proprietors may deem of public utility, and to lay vessels at said wharf and receive dockage and wharfage therefor: *provided*, said wharf shall not extend into the channel of said harbor so as to impede the navigation thereof, and that this act shall in no way interfere with the private rights of any person, or persons, whatever. [*Approved by the Governor, March 17, 1846.*]

Provided, &c.

Chap 107.

An Act to authorize Vinal & Rice to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

Albert Vinal and William Rice, proprietors of a certain wharf, situate on Commercial Street, in the northerly part of the city of Boston, are hereby authorized to extend and maintain their said wharf, into the harbor channel, as far as the line established by the act, entitled, "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have the right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the

Provided, &c.

stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 17, 1846.*]

An Act to authorize the Union Wharf Company to erect a Wharf on Herring River.

Chap 108.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Union Wharf Company, in the town of Wellfleet, are hereby authorized to erect and maintain a wharf, to extend from land owned by them, on Herring River, to the edge of the channel of said river, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 17, 1846.*]

Wharf may be built in Wellfleet to the channel, &c.

Provided, &c.

An Act to establish the City of Cambridge.

Chap 109.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the town of Cambridge, in the county of Middlesex, shall continue to be a body corporate and politic, under the name of the City of Cambridge; and, as such, shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town, as a municipal corporation.

Cambridge to be a city.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of six, to be denominated the board of aldermen; and one council of twenty, to be denominated the board of common council; which two boards shall, in their joint capacity, be denominated the city council. A majority of each board shall constitute a quorum for the transaction of business. No member of either board shall receive any compensation for his services.

Administration, &c., to be vested in a mayor, 6 aldermen, and 20 common council, &c.; boards to serve without compensation.

The mayor and aldermen shall be chosen by the inhabitants of the city at large, voting in their respective wards.

Elections of mayor and aldermen.

The members of the common council shall be apportioned among the several wards, as nearly as may be, according to the number of inhabitants therein; and each ward shall elect the number of common council men to which it shall be entitled on such apportionment, from persons who shall be residents in the ward by which they shall be chosen.

Ratio and residence of common council men.

SECTION 3. The city of Cambridge hereby is, and shall continue to be, divided into three wards; and the bounda-

City divided into 3 wards.

Arrangement thereof to be revised every 5 years by the city council.

Apportionment of common council men therein.

Annual meeting of inhabitants, and term of city offices.

Warrants for ward and city meetings.

Election, qualification, and duties of wardens, clerks and inspectors of elections.

ries thereof shall be the same as the boundaries of the wards into which the town of Cambridge is now divided. But the city council shall, once in five years, and not oftener, revise the same, and may, by a vote of not less than two thirds of the members of each board present, and voting thereon, so alter the boundaries of said wards, as shall be most for the convenience of the inhabitants thereof. For the first five years after the passage of this act, the ward now known as ward number one, shall elect five members of the common council; the ward now known as ward number two, shall elect nine members of the common council; and the ward now known as ward number three, shall elect six members of the common council.

SECTION 4. The annual meeting of the inhabitants, for the choice of city officers, shall be holden on the first Monday in March; and all city and ward officers, who are chosen by the people, shall be chosen by ballot, and shall hold their respective offices for one year, from the first Monday in April succeeding the annual meeting, and until others shall be chosen and qualified to act in their stead.

SECTION 5. All meetings of the inhabitants for the purpose of voting at elections, or for the transaction of municipal affairs, whether in general or in ward meetings, shall be holden in pursuance of warrants for that purpose, which shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner, and at such time, as the city council, by any by-law, shall direct.

SECTION 6. Each ward, at the annual meeting, shall choose for itself a warden, clerk, and three inspectors of elections, who shall be sworn to the faithful and impartial discharge of their respective duties relative to elections; a certificate that said oath has been taken, shall be entered in the records of the ward by the clerk thereof.

The warden shall preside at all ward meetings, and shall be invested with all the powers, and shall perform all the duties of a moderator of town meetings. If, at any such meeting, the warden shall not be present, the clerk shall call the meeting to order, and preside until a warden pro tempore shall be chosen; and if the clerk shall not be present, a clerk pro tempore shall be chosen.

The inspectors of elections shall, at all meetings, aid and assist the warden in preserving order, and in assorting and counting the votes; and all votes shall be assorted, counted, recorded and declared, in open ward meeting.

The clerk shall record, in the ward records, the votes and proceedings of all ward meetings, and shall enter on said records the names of all persons voted for, and the number of votes given for each, in words at length, and shall, within twenty-four hours after each and every ward meeting holden for the purpose of any election, deliver to the city

clerk a true copy of the record of such election, certified by himself, the warden, and a majority of the inspectors. The clerk shall deliver to his successor in office, all the records, record books, journals, documents, papers, and other things, held by him in his capacity of clerk of the ward.

Each ward shall also, at the annual meeting, choose the number of common council men which it shall be entitled to elect. But if the choice of ward officers or common council men cannot be conveniently effected or completed on that day, the meeting shall be adjourned from day to day, to complete the choice. The clerk of the ward shall, within twenty-four hours after such choice, deliver to the respective persons elected common council men, a certificate of their election, signed by himself, the warden, and a majority of the inspectors.

Election of
common council
men.

SECTION 7. The qualified voters in each ward shall, at the annual meeting, give in, to the warden and inspectors, their votes for a mayor and six aldermen; a copy of the record of which shall be delivered to the city clerk, as provided in the preceding section. The city clerk shall, immediately after receiving said copies, enter the same, or a plain and intelligible abstract thereof, on the city records, and then lay said copies before the mayor and aldermen, who shall thereupon examine the same, and cause the persons who shall have been chosen mayor and aldermen respectively, by a majority of votes in all the wards, to be notified in writing of their election.

Proceedings at
and after meet-
ings for elec-
tions.

Record and
certificates of
election.

If a mayor, or the whole number of aldermen shall not have been so elected, or if either of the persons elected shall refuse to accept the office to which he was chosen, the mayor and aldermen shall make a record of the fact, and forthwith issue their warrant for another election; and the same proceedings shall be had, in all respects, as are provided in this section for the choice of mayor and aldermen; and the same shall be repeated, from time to time, until a mayor and the whole number of aldermen shall have been chosen.

Proceedings to
supply vacan-
cies in the offi-
ces of mayor
or aldermen.

Whenever the office of mayor shall become vacant by death, resignation or otherwise, the boards of aldermen and common council shall, respectively, by vote, declare the same and the cause thereof, and the expediency of filling such vacancy; and the two boards shall thereupon meet in convention, and elect a mayor to fill such vacancy for the time said cause shall continue, or until a new election.

SECTION 8. The mayor, aldermen and common council, shall, before entering on the duties of their office, be sworn to the faithful performance of the duties of their respective offices; and, for that purpose, shall meet in convention on the first Monday in April, in each year, at ten of the clock in the forenoon, when such oath may be administered to the

Administration
and record of
oaths of office.

mayor elect, if present, by any judge of any court of record in the Commonwealth, or by any justice of the peace for the county of Middlesex, and to the aldermen and common council men, by the mayor, he being first sworn as aforesaid, or by such justice of the peace. A certificate that such oath has been taken, shall be entered in the journal of the mayor and aldermen and of the common council, by their respective clerks. If, from any cause, the mayor, or any one or more of the aldermen or common council men, shall not be present on the first Monday in April, to take the oath required of them, the same may be administered to them at any time thereafter, before entering on the duties of their office.

Proceedings in case of absence of mayor, &c., elect, at the time for organization.

Duties of mayor.

SECTION 9. The mayor, thus chosen and qualified, shall be the chief executive officer of the city. He shall cause the laws and regulations of the city to be executed and enforced. He shall exercise a general supervision over the conduct of all the subordinate officers, and cause their violation or neglect of duty to be punished. He may call special meetings of the board of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by causing a notification to be left at the usual dwelling-place of each member of the board or boards to be convened. He shall, from time to time, communicate to said boards respectively, such information, and recommend such measures, as the interests of the city shall, in his judgment, require. He shall preside in the board of aldermen, and in joint meeting of the two boards; but shall have a casting vote only. He shall have the exclusive power of nomination, in all cases in which appointments are directed to be made by the mayor and aldermen; but such nominations shall be confirmed or rejected by the board of aldermen. He shall be *ex officio* chairman of the school committee, and of the board of overseers of the poor. His salary, for the first year under this charter, shall be six hundred dollars, and no more. He shall afterwards receive for his services such salary as the city council shall determine, payable at stated periods, and shall receive no other compensation; but such salary shall not be increased or diminished during his continuance in office.

Compensation.

Sessions of mayor and aldermen.

SECTION 10. The mayor and aldermen shall compose one board, and shall sit and act together as one body, at all meetings of which the mayor shall preside, if present; but, in his absence, the board may choose a chairman for the time being. All their sittings shall be public, when not engaged in executive business.

Executive powers of mayor and aldermen.

SECTION 11. The executive powers of the city, and the administration of police, with all the powers heretofore vested by law in the selectmen of Cambridge, shall be vested in the mayor and aldermen, as fully as if the same

were herein specifically enumerated. They shall have full and exclusive power to appoint a city marshal and assistants, a constable or constables, and all other police officers; and to remove the same from office, for sufficient cause. They may require the marshal and constables, before entering on the duties of their office, to give bonds with sufficient sureties, to any reasonable amount; upon which the like proceedings and remedies may be had, as are by law provided in case of constables' bonds required by selectmen of towns in this Commonwealth. They shall have power to grant licenses to innholders and victuallers, and retailers, within the city, in the same manner as the mayor and aldermen of the city of Boston now have by provision of law. They shall prepare, revise, correct and post up, in the manner that selectmen of towns are required to do, an alphabetical list of voters in each ward of the city; and, for that purpose, shall have access to the assessors' books and lists, and be entitled to the aid and assistance of the assessors, collector, and other city officers, and shall deliver the lists so prepared and corrected, to the clerks of the respective wards, to be used at elections. And they shall do and perform all the duties which the selectmen of towns are, by law, required to do and perform within their respective towns, unless it be otherwise provided in this Act.

Power in respect to appointments, removals, bonds, licenses, &c.

Duties in respect to lists of voters.

SECTION 12. The mayor and aldermen shall, within two days after every meeting of the inhabitants holden for the choice of County, State or United States officers, examine and compare the copies of the record of votes returned from all the wards, and make out returns of the same, including the names of all the persons voted for, and the number of votes given for each; which returns shall be signed by the mayor and a majority of the aldermen, and countersigned by the city clerk, and shall be transmitted or delivered in the manner that similar returns are required to be made by selectmen of towns. They shall notify the persons, chosen to represent the city in the General Court, of their election, within three days after the choice; and if the whole number of representatives, determined upon by the city council, shall not have been chosen at any such meeting, they shall forthwith issue their warrant for a new election, conformably to the Constitution and laws of the Commonwealth.

Proceedings after meetings for election of County, State, or Federal officers.

The mayor and aldermen shall issue their warrant for a general meeting of the inhabitants, for any constitutional or legal purpose, whenever requested so to do, in writing, by thirty legal voters.

Warrants for city meetings.

The board of aldermen shall be the final judge of the election and qualifications of its members; and, whenever a vacancy shall occur therein by death, resignation or otherwise, may order a new election.

Aldermen to be judges of elections, &c., and may order new elections.

Fire department.

SECTION 13. An act establishing the fire department in the town of Cambridge, passed March seventeenth, one thousand eight hundred and thirty-two, and an act in addition thereto, passed March thirtieth, one thousand eight hundred and thirty-five, shall continue in force, and all the power and authority, now vested in the selectmen of Cambridge, in relation to the fire department in that town, shall be transferred to, and vested in, the mayor and aldermen.

Powers and duties of common council,

SECTION 14. The persons chosen and qualified as members of the common council shall sit and act together as one body, distinct from the mayor and aldermen, except when the two bodies are required to meet and act in convention. The said council shall, from time to time, choose one of its members to preside at all meetings of the board, and preserve order therein; and shall also choose a clerk, who shall be sworn to the faithful discharge of the duties of that office, and shall hold such office during the pleasure of the council. The clerk, so chosen and qualified, shall attend the common council when in session, and keep a journal of its acts, votes, and proceedings, and perform such other services in his said office, as the council may require. All sittings of the common council shall be public. The common council shall be the final judge of the election and qualifications of its members; and whenever a vacancy shall occur therein by death, resignation or otherwise, may order a new election.

and of their president,

and clerk.

Sittings to be public, &c.

Powers vested in city council.

SECTION 15. All the powers now vested by law in the town of Cambridge, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council composed as provided in the second section, and shall be exercised by concurrent vote, each board having a negative on the other.

Power of city council to make by-laws, &c.

SECTION 16. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of the Commonwealth, have power to make, and to annex penalties, not exceeding twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from the time therein limited, without the sanction or confirmation of any other authority whatever. All such by-laws and all city ordinances shall be duly published, in such newspaper or newspapers as the city council shall direct. All fines and forfeitures for the violation of any by-law or ordinance of the city, shall be recovered by complaint before any justice of the peace for the county of Middlesex, and shall enure to such uses as the city council shall direct; but the party prosecuted shall have the right of appeal to the Court of Common Pleas, in the same manner, and upon the same terms and conditions, as are provided by law for appeals from the judgment of justices of the peace in other criminal prosecutions. It shall be suffi-

To publish by-laws.

Recovery and use of fines, &c.

Appeals from justices' court.

cient, in any such complaint, to set out the offence plainly and substantially; but the by-law or ordinance, on which the complaint is founded, need not be recited or set out.

Form of complaint.

SECTION 17. The city council shall take proper care that no money be paid from the city treasury, unless previously granted and appropriated; shall secure a just and prompt accountability from all persons entrusted with the receipt, custody or disbursement of the moneys or funds of the city; shall have the care and superintendence of the city buildings, and all city property, and the power to let or sell what may be legally let or sold, and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the city shall require it. The city council shall, once in every year, at least, publish, for the use and information of the inhabitants, a particular account of the receipts and expenditures of the city, and a schedule of the property and debts of the city.

Safe keeping, &c., of city property.

Accounts, &c. to be published annually.

SECTION 18. The city council shall have exclusive authority and power to lay out new streets or ways within said city, and to estimate the damage which any person shall sustain thereby; but all petitions and questions, relating to laying out, widening, altering or discontinuing any street or way, shall be first acted on by the mayor and aldermen. Any person, aggrieved by the decision or judgment of the mayor and aldermen, or of the city council, in relation to laying out, widening, altering or discontinuing any street or way, or in the estimate of damages, may, within six months thereafter, make complaint to the county commissioners in the county of Middlesex; upon which complaint, the same proceedings shall be had, as are provided in the twenty-fourth chapter of the Revised Statutes, in cases where persons are aggrieved by the decision or judgment of selectmen of towns.

Power of mayor, aldermen, and of city council in respect to streets and ways.

Estimate and recovery of damages.

SECTION 19. The city council shall have the power to construct drains and common sewers through any highways, streets, or private lands, paying the owners such damage as they shall sustain thereby; and to require all persons to pay a reasonable sum for the right to open any drain into such public drain or common sewer.

Power of city council in respect to drains and common sewers.

SECTION 20. All the power and authority now vested by law in the board of health for the town of Cambridge, shall be transferred to, and vested in, the city council, and shall be carried into execution by the appointment of health commissioners, or in such other manner as the city council shall determine.

Health officers.

SECTION 21. The city council shall have the power to provide for the appointment or election of all necessary officers for the good government of the city, not otherwise provided for, and to prescribe their duties and fix their compen-

City council to provide for the appointment, &c. of certain officers.

But not from
their own body.

sation; but no person shall be elected by the city council, or appointed by the mayor and aldermen, to any office of emolument, who, at the time of his election or appointment, shall be a member of the board of aldermen or of the common council.

Election, duties,
&c. of clerk.

SECTION 22. The city council shall, annually, in the month of April, meet in convention, and elect by joint ballot, a city clerk, who shall be sworn to the faithful discharge of the duties of his office, and shall hold his office one year, and until another shall be chosen and qualified; removable, however, at the pleasure of the city council. The city clerk shall be *ex officio* clerk of the board composed of the mayor and aldermen. He shall keep a journal of all the votes and proceedings of the mayor and aldermen, and also of the city council, when sitting in convention; and shall perform such other duties as the mayor and aldermen or the city council shall prescribe. He shall also perform all the duties, and exercise all the powers, incumbent upon, and vested in the town clerk of the town of Cambridge. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record books, papers, documents, or other things, held by him in his capacity of city clerk.

City council to
elect treasurer,
&c. fill vacan-
cies, &c. in
April.

SECTION 23. The city council shall also, in the month of April, annually, in convention and by joint ballot, elect a city treasurer, a collector of taxes, and all other subordinate officers, who are not chosen by the inhabitants or appointed by the mayor and aldermen; and shall also fill all vacancies which shall exist in the boards of assessors, assistant assessors, overseers of the poor, or school committee, by reason of a failure to elect by the inhabitants at the annual meeting. The candidates for filling such vacancies shall be determined in the manner provided by the Constitution of the Commonwealth for fixing upon candidates to fill vacancies in the State Senate.

Power of city
council to deter-
mine number of
representatives
in General
Court.

SECTION 24. The city council shall, annually, in the month of October, meet in convention, and determine the number of representatives which the city shall elect to the General Court, and publish such determination, which shall be conclusive; and the number thus determined, shall be specified in the warrant calling the meeting for the election of Representatives.

Power of city
council to deter-
mine number of
members of
common coun-
cil in the wards.

SECTION 25. The city council shall, in the month of January, in the year one thousand eight hundred and fifty-one, and once in every five years thereafter, determine the number of members of the common council which each ward shall be entitled to elect, as provided in the second section.

School Commit-
tee.

SECTION 26. The qualified voters of the city, at the annual meeting, shall choose seven persons for a school committee, two of whom shall be residents in ward number one, three in ward number two, and two in ward number three;

six persons to be overseers of the poor, two of whom shall be resident in each ward; three persons to be assessors, one of whom shall be a resident in each ward; and such number of assistant assessors as the city council shall determine. The assessors and assistant assessors shall be sworn to the faithful discharge of the duties of their office, and shall perform all such duties as the assessors of towns are required by law to perform; and the boards of school committee and overseers of the poor, with the mayor as chairman of each, shall perform all such duties as the school committees and overseers of the poor in towns are required by law to perform.

Overseers of the poor.

Assessors.

Assistant assessors.

Duties of same.

SECTION 27. All meetings of the inhabitants, for the election of County, State or United States officers, who are voted for by the people, shall be held in their respective wards, at the time fixed by law for those elections respectively.

Meetings for election of county, State and Federal officers.

SECTION 28. After the acceptance of this act by the inhabitants of the town of Cambridge, and during the month of April in the present year, the selectmen of said town, for the purpose of the first election under this charter, shall issue their warrant for a meeting of the inhabitants, in their respective wards, for the choice of all city officers who are directed to be chosen by the people, and such county officers as are to be voted for by other towns in the county of Middlesex, at their annual meeting in the present year. Such warrant shall be served seven days, at least, before the time appointed for said meeting, and shall designate the time and place of the meeting in the respective wards.

First election of city officers, &c.

At said meeting, the wards respectively shall choose a warden, clerk, three inspectors of elections, and the number of members of the common council, which they are entitled to elect, by the third section of this Act; and shall also give in their votes for a mayor, six aldermen, seven members of the school committee, six overseers of the poor, three assessors, and such county officers as are then to be voted for.

If the whole number of ward officers or common councilmen, in either ward, cannot be chosen on that day, the meeting may be adjourned from day to day, to complete the choice. The clerks of the respective wards shall deliver certificates to the persons elected members of the common council, and copies of the record of the election to said selectmen, within the time, and signed and certified in the manner, provided in the sixth section. The selectmen shall, within two days after receiving said returns, examine and compare the same, ascertain the result of the election, and give notice in writing to the persons chosen mayor and aldermen, of their election. If a mayor, or the whole number of aldermen shall not have been elected at such meeting, the selectmen shall forthwith issue their warrant for another meeting, as provided in this section; and the same proceed-

ings shall be had and repeated, until a mayor and six aldermen shall have been chosen. Any legal voter, in the respective wards, may call the said first meeting to order, and preside until a warden shall have been chosen.

Organization of city government.

SECTION 29. Immediately after the election of city officers, as provided in the preceding section, the said selectmen shall appoint a place and some day not later than the first Monday in June, of the present year, for the first meeting of the city council, and for the organization of the city government, established by this act; and shall give notice thereof in writing to all the city officers elect, and shall also publish a notice thereof in one or more newspapers printed in Boston.

The mayor, aldermen, members of the common council, and all other city officers elect, shall meet at the time and place designated in such notices, and shall respectively take the oath required of them by this act, and shall then enter upon and perform all the duties of their respective offices, in the same manner as if they had been elected prior to the first Monday in April of the present year.

Annual town meeting suspended.

SECTION 30. The annual town meeting of the town of Cambridge, for the present year, shall be suspended, and may be holden in the month of May or June, if this act shall not be adopted by the inhabitants of the town, as provided in the thirty-fourth section.

Delivery of records, &c., to city clerk.

SECTION 31. All officers of the town of Cambridge, having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

Repeal of inconsistent provisions.

SECTION 32. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Legislature may alter and amend this act.

SECTION 33. Nothing in this act contained shall be so construed, as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Act to be void unless accepted by inhabitants, &c.

SECTION 34. This act shall be void, unless the inhabitants of the town of Cambridge, at a legal town meeting, called for that purpose, shall, by a majority of the voters present, and voting thereon, by ballot, determine to adopt the same within twenty days after its passage.

When to take effect.

SECTION 35. This act shall go into operation from and after its passage. [*Approved by the Governor, March 17, 1846.*]

An Act to incorporate the Trustees of the Episcopal Clerical Fund.

Chap 110.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Edward H. Robbins, Samuel Lawrence, Edward S. Rand, and Benjamin T. Reed, their associates and successors, are hereby made a corporation, by the name of the Trustees of the Episcopal Clerical Fund, with all the powers and privileges and subject to all the duties, restrictions and liabilities, contained and set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole twenty-five thousand dollars, which shall be applied exclusively towards the relief of aged, disabled and indigent clergymen of the Protestant Episcopal Church within what is or shall be known in the said church, as the diocese of Massachusetts.

Estate not to exceed \$25,000,
to be applied,
&c.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, March 17, 1846.]

When to take effect.

An Act to incorporate the Agawam Manufacturing Company.

Chap 111.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Henry Phelon, Jr., Horace Stebbins, Reuben Palmer, their associates and successors, are hereby made a corporation, by the name of the Agawam Manufacturing Company, for the purpose of manufacturing cotton goods in the town of West Springfield, county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture
cotton goods in
West Springfield.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, March 17, 1846.]

Estate not to exceed
\$100,000.

An Act to incorporate the Phenix File Company.

Chap 112.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph A. Hyde, William A. Hyde, William G. Prince, their associates and successors, are hereby made a corporation, by the name of the Phenix File Company, for the purpose of manufacturing files, and other articles of hardware, in the town of Bridgewater, county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture
files, &c., in
Bridgewater.

Estate not to
exceed
\$150,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred and fifty thousand dollars. [*Approved by the Governor, March 17, 1846.*]

Chap 113. An Act to extend the time for paying in the Capital Stock of the Globe Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended
to February 7th,
1847.

The time within which the capital stock of the Globe Mutual Insurance Company is by law required to be paid in, is hereby extended to the seventh day of February, in the year one thousand eight hundred and forty-seven. [*Approved by the Governor, March 17, 1846.*]

Chap 114. An Act to increase the Capital Stock of the Bridgewater Iron Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock
may amount to
\$150,000.

The Bridgewater Iron Manufacturing Company are hereby authorized to increase their capital stock to an amount not exceeding one hundred and fifty thousand dollars; and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, March 17, 1846.*]

Chap 115. An Act further in addition to An Act to incorporate the Second Parish in Dorchester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Members must
own pews.

SECTION 1. No person shall hereafter become a member of the second parish in Dorchester, unless he shall be a proprietor of a pew in the meeting-house of said parish.

Each proprietor
to have one vote.

SECTION 2. No proprietor of pews in said meeting-house shall be entitled to more than one vote in the meetings of said parish.

Inconsistent
provisions re-
pealed.

SECTION 3. All provisions in the act of incorporation of said parish and in the act additional thereto, which are inconsistent with this act, are hereby repealed.

When to take
effect.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1846.*]

Chap 116. An Act to incorporate the Alger Iron and Steel Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. Cyrus Alger, William H. Howard, Caleb Reed, their associates and successors, are hereby made a

corporation, by the name of the Alger Iron and Steel Company, for the purpose of manufacturing iron and steel, copper and zinc, in that part of the city of Boston known as South Boston, in the county of Suffolk, and in the town of Dorchester, county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture iron, &c., in Boston and Dorchester.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars. [Approved by the Governor, March 17, 1846.]

Estate not to exceed \$200,000.

An Act to incorporate the Essex and Eagle River Copper Company.

Chap 117.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George B. Loring, J. Vincent Browne, C. Allen Browne, their associates and successors, are hereby made a corporation, by the name of the Essex and Eagle River Copper Company, for the purpose of smelting copper and manufacturing the same into bolt, sheathing and such other forms as the market may demand, upon Point Shirley, in the town of Chelsea, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to smelt and manufacture copper in Chelsea.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock, shall not exceed one hundred and fifty thousand dollars. [Approved by the Governor, March 18, 1846.]

Real estate not to exceed \$50,000, and capital stock \$150,000.

An Act establishing a Fire Department in the towns of Weymouth and Braintree.

Chap 118.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the following described territory, being partly in the town of Weymouth and partly in the town of Braintree, in the county of Norfolk, bounded easterly by a fire district established in the town of Weymouth, commencing at the westerly end of a wharf belonging to Nancy White, and running in a straight line to the Town Pound, in said Weymouth; thence in a straight line to a point six rods south of the house belonging to the heirs of Cotton Tufts, deceased, now occupied by Addison Cheesman; thence in a straight line across Weymouth town line, to a stone post dividing two school districts in said Braintree, near the house of Elijah Penniman; thence in a straight

Boundaries of fire district, &c.

line to a guide post at the easterly end of Adams' street; thence in a straight line to a point on the Braintree and Weymouth turnpike, ten rods north of the house of Calvin Crane and Francis Crane; thence crossing said turnpike and running easterly parallel with Col. Minot Thayer's farm, and including the same, to Weymouth Fore River; thence southeasterly by said river, which is the dividing line between the towns of Weymouth and Braintree, until it comes to a point opposite the westerly end of Nancy White's wharf; thence to the westerly end thereof, the bound first mentioned, shall constitute a fire district; and all said inhabitants resident therein, qualified to vote in town affairs, at a meeting thereof, held for that purpose, called and notified as hereinafter provided, may establish a fire department for said district; the officers of which shall have charge and be responsible for all the engines and apparatus for the extinguishment of fires within said district, in the same manner as the fire wards and engine men of towns now are.

Fire department, how to be constituted.

SECTION 2. The inhabitants of said district, qualified as aforesaid, at their first meeting, called and notified as hereinafter provided, shall choose a clerk, prudential committee, assessors, treasurer, collector, a chief engineer, and assistant engineers, all of whom shall be sworn in due form of law, to the faithful discharge of the duties of their respective offices, and the said assessors shall take the oath required to be taken by assessors of towns, which oaths shall be administered to them by the moderator at the meeting of said district, or by a justice of the peace, and the same duly recorded: all the officers above named, shall hold their respective offices for one year, and until others are chosen and qualified in their stead.

Fire district meetings, how to be called.

SECTION 3. Annual meetings of said district shall be held for the election of officers in the months of March or April, in each year, which shall be called by the prudential committee, and all other meetings of said district shall be called by said committee, upon the application of the chief engineer, two assistant engineers, or seven of the qualified voters of said district, by a warrant under their hands expressing the time, place and purposes of said meeting, directed to the collector of said district, requiring him to warn and notify the inhabitants thereof, in such manner as shall be prescribed at the first meeting.

First meeting, how to be called, and by whom.

SECTION 4. The first meeting of said district shall be called by Col. Minot Thayer or John W. Loud, by publishing a notice thereof in the Quincy Patriot, printed at Quincy in said county, and posting up two notifications thereof in two public places in said district, seven days at least before the day appointed for said meeting, expressing the time, place and purposes thereof.

SECTION 5. The assessors chosen as aforesaid, shall assess and apportion all and singular, such sum and sums of money voted to be raised by said district for the maintenance of said fire department, upon all the polls and estates within the limits of said district, each his just share and proportion thereof; and in making the said assessment, shall observe and conform to all the requisitions of the law, obligatory upon assessors of towns, and they shall have all the power and authority conferred upon them by law. Said list of assessment shall be committed to the collector of said district, with a warrant of distress in due form of law for collecting the same; and said collector shall observe all the rules and directions, and have all the authority conferred upon collectors of taxes of towns by law. And said collector shall pay over said monies so collected, to the treasurer, who shall hold the same, subject to the order of the prudential committee.

Duties, &c. of assessors and of collectors of district.

SECTION 6. All the provisions of law establishing fire districts and fire departments therein in towns, passed in the year one thousand eight hundred and forty-four, chapter one hundred and fifty-two, not inconsistent with the foregoing provisions, shall be obligatory and binding upon the inhabitants of said district, and the chief engineer and assistant engineers shall possess the same power and authority therein delegated, and they, together with all the other members of said fire department, shall be entitled to the same immunities and privileges.

Duties of inhabitants of fire district, and immunities of officers and members of department.

SECTION 7. The inhabitants of said district, so long as they shall maintain a sufficient fire department therein for the reasonable protection of the inhabitants and property within said limits from fire, shall be exempt from taxation in the respective towns to which they belong, for the maintenance and support of other fire departments in said towns. [Approved by the Governor, March 18, 1846.]

Immunities of inhabitants of fire district.

An Act in addition to an Act incorporating the Essex Company.

Chap 119.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The consent of this Commonwealth is hereby given, that the Essex Company may expend, of their capital stock, within the State of New Hampshire, such sums of money as the said company may deem expedient in improving the power of the Merrimack River; and for this purpose, the said company may, with the consent of the State of New Hampshire, acquire by purchase and hold real and personal property within the limits of that State.

May hold property, &c. in New Hampshire.

SECTION 2. The time during which the said company are, by the third section of the act to which this Act is in addition, authorized to obstruct the passage of rafts, masts or floats of timber down the said river, is hereby extended for

May impede the passage of masts, &c. on the Merrimack River a further period of one year.

Provided, &c. the period of one year; *provided, however*, that during the said year, it shall be the duty of the said company to provide and keep in readiness, for such purposes, sufficient men and teams to transport all such rafts, masts and floats of timber around such obstruction in the river, so as to cause as little delay as possible in the navigation thereof; *provided, also*, that any person or persons, who shall suffer any damage in his or their rafts, masts or floats of timber, by reason of any neglect of the said company, may recover the same with costs, in an action on the case, against the said company, in any court proper to try such action; but the said company may, before action brought, tender amends, and if, on the trial, such tender shall be found sufficient, it shall bar such action: and *provided further*, that nothing herein contained shall be construed to affect any suit in law or equity, now pending; and any such suit shall be heard and determined in the same manner as if this act had not passed. [Approved by the Governor, March 18, 1846.]

Chap 120. An Act to incorporate the Newburyport Screw Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated,

to manufacture
wood screws in
Newburyport.

Estate not to
exceed
\$100,000.

SECTION 1. Charles H. Hudson, Frederick J. Coffin, Albert Currier, their associates and successors, are hereby made a corporation, by the name of the Newburyport Screw Manufacturing Company, for the purpose of manufacturing wood screws in the town of Newburyport, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, March, 18, 1846.]

Chap 121. An Act to amend "An Act to set off Willard Newton and others, with their estates, from Southborough and annex them to Marlborough."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Marlborough to
pay to South-
borough pro-
portion of State
and county
taxes until, &c.

SECTION 1. Until the next State valuation, the town of Marlborough shall be holden to pay the town of Southborough, one ninetieth part of all the State or county taxes, which may, before that time, be assessed on said town of Southborough.

Repeal of in-
consistent pro-
visions of act
of 1843.

SECTION 2. The second section of the eighty-ninth chapter of the statutes of the year one thousand eight hundred and forty-three, is hereby repealed. [Approved by the Governor, March 18, 1846.]

An Act concerning Bonds given on dissolving Attachments.

Chap 122.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same :

Before any bond shall be approved pursuant to the twentieth section of the one hundred and sixty-third chapter of the statutes of the year eighteen hundred and thirty-eight, the person whose goods or estate shall be attached, or some one in his behalf, shall make application in writing to some one of the justices of the supreme judicial court, or court of common pleas, for that purpose, which application shall contain the names and places of residence of the person or persons, to be proposed as surety or sureties; and notice shall be given to the plaintiff in the action on which the attachment shall be made, or his attorney, of the time and place of hearing upon such application, and the same time shall be given and notice shall be served in the manner provided in the ninety-fourth chapter of the Revised Statutes, for notice to the adverse party of the time and place of taking depositions; *provided, always*, that the attaching creditor or his attorney, may in writing waive such notice, or consent to an approval of any such bond before the expiration of the aforesaid time. [*Approved by the Governor, March 18, 1846.*]

Application to be made to judicial court with names and residence of sureties.

Notice to be given to plaintiff of time and place of hearing on application, &c.

Provided, &c.

An Act providing for the appointment of Assayers of Ores and Metals.

Chap 123.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Governor, with the advice and consent of the Council, may appoint one or more suitable persons to be assayers of ores and metals, who shall be sworn to the faithful discharge of their duties.

How to be appointed.

SECTION 2. It shall be the duty of each assayer, to assay such ores and metals as may be offered to him for assay, and to give a certificate thereof, for which service he shall be paid a reasonable compensation by the person procuring such assay to be made. [*Approved by the Governor, March 18, 1846.*]

Duties and compensation.

An Act to incorporate the Safety Insurance Company.

Chap 124.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. J. Wingate Thornton, B. F. Copeland, Mark Healy, and Daniel Hammond, their associates and successors, are hereby made a corporation for the term of twenty years, by the name of the Safety Insurance Company, to be established in Boston, for the purpose of making maritime loans, and insurance against maritime losses and losses by

Persons incorporated to insure marine risks in Boston, for 20 years.

fire, with all the power and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as they are applicable to the corporation hereby created.

Capital stock
\$100,000, and
may be in-
creased to
\$200,000.

SECTION 2. The capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars. [*Approved by the Governor, March 18, 1846.*]

Chap 125.

An Act to incorporate the Waterford Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton and
woollen goods
in Blackstone.

SECTION 1. Welcome Farnum, Moses Farnum, Frederick M. Ballou, their associates and successors, are hereby made a corporation, by the name of the Waterford Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Blackstone, county of Worcester, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$200,000, and
capital stock,
\$500,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of two hundred thousand dollars, and the whole capital stock of said company shall not exceed the sum of five hundred thousand dollars. [*Approved by the Governor, March 18, 1846.*]

Chap 126.

An Act to establish a Fire Department in the town of North Bridgewater.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties, powers,
&c.

A fire department is hereby established in the town of North Bridgewater, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, March 18, 1846.*]

Chap 127.

An Act to incorporate the town of North Chelsea.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of Chelsea
to be set off.

SECTION 1. All that part of the town of Chelsea, in the county of Suffolk, which lies easterly and northerly of Belle Isle Creek, Mill Creek, and the northerly branch of said Mill Creek, called Pratt's Brook, to the centre of the stone bridge on the road to Chelsea Meeting-house, so called, and thence north thirty-eight degrees, west to the line of the

town of Malden, together with Pullin Point and Point Shirley, so called, is hereby incorporated into a separate town by the name of North Chelsea; and the said town of North Chelsea is hereby vested with all the powers, privileges, rights and immunities, and shall be subject to all the duties and requisitions to which other towns are entitled and subjected by the Constitution and laws of this Commonwealth.

SECTION 2. The inhabitants of the said town of North Chelsea, shall be holden to pay to the collector of the town of Chelsea, all arrears of taxes legally assessed on them in said Chelsea, before the passage of this act; and also shall be holden to pay their proportion of all State and county taxes that may be assessed on them, previously to the taking of the next State valuation; said proportion to be ascertained and determined by the town valuation of the town of Chelsea, next preceding the passage of this act. And the said town of North Chelsea shall be holden to pay their proportion of the debts due and owing from the town of Chelsea, at the time of the passage of this act, and shall be entitled to receive their proportion of all corporate property and assets now owned by the last named town, said proportion to be ascertained and determined by the said town valuation next preceding the passage of this act.

Inhabitants of North Chelsea to pay taxes to collector of Chelsea, &c.

and to receive a proportion of property, &c.

SECTION 3. The said towns of Chelsea and North Chelsea shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Support of paupers by respective towns.

SECTION 4. The said town of North Chelsea shall continue to be a part of the town of Chelsea for the purpose of electing a representative to the General Court, until the next apportionment of representatives. All meetings for the election of representatives, until said apportionment, shall be called by the selectmen of Chelsea, and holden in the town of Chelsea; and the selectmen of North Chelsea shall make a true list of persons belonging to that town qualified to vote, at every such election, and deliver the same to the selectmen of Chelsea, by whom the same shall be taken and used in the same manner as if it had been prepared by themselves.

Provisions for the choice of representative in the General Court.

Selectmen of North Chelsea to make a list of voters for representative.

SECTION 5. In case said towns should not agree in respect to a division of town paupers, town property, or town debts, or state or county taxes, the court of common pleas for the county of Suffolk, is hereby authorized to, and shall, upon petition of either town, appoint three competent and disinterested persons to hear the parties, and award thereon; and any award made by said three persons, or any two of them, and accepted by the said court, shall be final.

Arbitration of questions arising between the towns.

SECTION 6. Any justice of the peace in the county of Suffolk is hereby authorized to issue his warrant, directed

Call of meeting for the choice of town officers.

to any principal inhabitant of said town of North Chelsea, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

When to take effect.

SECTION 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 19, 1846.*]

Chap 123.

An Act to repeal "An Act to establish Probate Courts in Fitchburg."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Probate courts in June and December discontinued.

The act entitled "An Act to establish Probate Courts in Fitchburg," to be holden on the first Thursdays of June and December, passed on the fourteenth day of April, in the year one thousand eight hundred and thirty-six, is hereby repealed: *provided*, that this act shall not affect the establishment of courts of probate in that town, to be holden on the Wednesdays next after the third Tuesdays in May and October, agreeably to the provisions of "An Act to establish the Terms of the Court of Probate in the County of Worcester," passed on the twelfth day of April, in the year one thousand eight hundred and thirty-seven. [*Approved by the Governor, March 19, 1846.*]

Provided, &c.

Chap 129.

An Act to establish the Dividing Line between the towns of Hatfield and Williamsburg.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commencement and direction of dividing line.

SECTION 1. The dividing line between the towns of Williamsburg and Hatfield, in the county of Hampshire, shall commence at the southeast angle of the town of Williamsburg, at a point fifty-five rods and seventeen links, in a direction nearly east from a stone monument on the west side of Horse Mountain road, on the line between the towns of Northampton and Williamsburg; and shall thence run north eleven degrees and thirty minutes east to the south line of the town of Whately.

Part of Hatfield set off.

SECTION 2. All the land lying on the west side of the line above described, which heretofore constituted part of the town of Hatfield, is hereby set off and annexed to the town of Williamsburg; and all the land lying on the east side of the said line, which heretofore was within the town of Williamsburg, is hereby set off and annexed to the town of Hatfield.

Part of Williamsburg set off.

Transfer of citizenship.

SECTION 3. All persons residing on the lands aforesaid shall be deemed to be inhabitants of the town to which the said lands are respectively annexed, and shall be entitled to

all the civil and political rights and privileges therein that they enjoyed as inhabitants of the town from which the said lands are severed.

SECTION 4. The town of Williamsburg shall be liable for the support of all poor persons, who are now or shall hereafter become chargeable upon the town of Hatfield, and who have derived their legal settlement from the ownership of a residence upon any land which is hereby set off to said town, in the same manner and to the same extent as the town of Hatfield is now and would continue to be liable, if this act had not passed.

Williamsburg liable for the support of paupers having a legal settlement, &c.

SECTION 5. The inhabitants of the town of Williamsburg shall hereafter pay to the town of Hatfield, such proportion of all county and State taxes as shall be assessed upon the town of Hatfield, for the lands and estate hereby set off from said town and annexed to Williamsburg, such proportion to be ascertained and determined by the town valuation, made in the year one thousand eight hundred and forty.

Williamsburg to pay to Hatfield proportion of county and State taxes.

SECTION 6. An act entitled "An Act to establish the Dividing Line between the Towns of Hatfield and Williamsburg," passed on the fourteenth day of March, in the year one thousand eight hundred and forty-five, is hereby repealed.

Repeal of former Act.

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, March 19, 1846.]

When to take effect.

An Act to incorporate the Dedham Lead Company.

Chap 130.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Samuel Ellis, Nathaniel Chater, Joseph W. Appleton, their associates and successors, are hereby made a corporation, by the name of the Dedham Lead Company, for the purpose of manufacturing white lead and paints in the town of Dedham, county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture white lead and paints in Dedham.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value twelve thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars. [Approved by the Governor, March 19, 1846.]

Real estate not to exceed \$12,000, and capital stock \$50,000.

An Act to incorporate the Neptune Steam Mills.

Chap 131.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Samuel Brookings, Moses Pettingell, Ralph

Persons incor-
porated,

to manufacture
cotton goods in
Newbury.

Real estate not
to exceed
\$30,000, and
capital stock
\$100,000.

C. Huse, their associates and successors, are hereby made a corporation, by the name of the Neptune Steam Mills, for the purpose of manufacturing cotton goods in the town of Newbury, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value thirty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 19, 1846.*]

Chap 132.

An Act to authorize Benjamin W. Miller to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Fall
River may be
extended to the
channel, &c.

Benjamin W. Miller is hereby authorized to extend his wharf to the channel of Taunton Great River, in the town of Fall River, and to widen the same, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, March 20, 1846.*]

Provided, &c.

Chap 133.

An Act to incorporate the Proprietors of the Northfield Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. James White, Richard Colton, Otis Everett, Charles Osgood, and Zebulon Allen, their associates, successors and assigns, are hereby made a corporation, by the name of the Proprietors of the Northfield Bridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Location, con-
struction, main-
tenance, form,
&c., of bridge.

SECTION 2. The said proprietors are hereby authorized and empowered to erect and maintain a bridge over Connecticut River, in the town of Northfield, in the county of Franklin, at any convenient point between Prindle's Ferry, so called, and Mill Brook, and to purchase and hold such real estate, as may be proper for the purpose; and the said bridge shall be well built of suitable materials, at least twenty-six feet wide, and covered with planks, with sufficient rails on each side, for the protection of passengers travelling thereon, and at all times shall be kept in good repair.

Tolls.

SECTION 3. A toll is hereby granted to said proprietors, and is established at the following rates, viz.: for each foot passenger two cents, for each horse and rider six cents, for

each gig, sulkey or wagon drawn by one horse, twelve cents and an half, and for each additional horse four cents, for each chaise, carryall or covered buggy sixteen cents, and for each additional horse four cents, for each coach, chariot or phaeton, drawn by two horses thirty-three cents, and for each additional horse four cents, for each cart, sled, or other carriage of burden drawn by one beast ten cents, if drawn by two beasts sixteen cents, and for each additional beast four cents, for each baggage-wagon used for transporting merchandise, drawn by two beasts twenty cents, and for each additional beast four cents, for each horse without a rider four cents, for neat cattle, asses and mules, each three cents, for sheep and swine each one cent, and one person and no more to each team shall pass free from toll, and all persons who shall have occasion to pass the said bridge to perform military duty, and the inhabitants of the town of Northfield when passing the said bridge to attend town meetings, or public worship at their usual place for the same, shall pass with necessary horses and carriages free from toll.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge, and continue for the term of fifty years thereafter, and at the place of receiving the said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly printed thereon.

Commencement and continuance of tolls, &c.

SECTION 5. The said corporation at the time of the opening of the said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the same, and also at the end of every three years thereafter, a true account of all receipts and disbursements on account of the same, to be returned into the office of the Secretary of the Commonwealth.

Accounts to be returned into the Secretary's office.

SECTION 6. The said proprietors may, if they see cause, commute the said rates of toll, with any person or persons, by taking of him or them a certain less sum payable at any stated periods, instead of the toll aforesaid, or by taking of all persons less rates of toll than as before specified, public notice of their intention so to do being first given, by publishing the same three weeks successively in any newspaper printed in the county of Franklin, or if there be none such, then in some newspaper in the county of Worcester.

Commutation and diminution of tolls.

SECTION 7. The Legislature may regulate at any time hereafter the tolls on said bridge as they may deem expedient.

Legislature may regulate tolls.

SECTION 8. The said proprietors are hereby authorized and empowered to construct and connect their bridge with any bridge that the Vermont and Massachusetts Rail-road Company may construct over said Connecticut River, in said town of Northfield, within the limits prescribed in the second section of this act, said rail-road corporation first

Bridge may be connected with bridge to be built by Vermont and Massachusetts Rail-road Company.

consenting thereto, upon such terms and conditions as the said proprietors and said rail-road corporation shall agree.

Time for completion of bridge.

SECTION 9. If the said proprietors shall neglect, for the space of six years from the passing of this act, to build and finish the said bridge, then this act shall be of no effect. [Approved by the Governor, March 20, 1846.]

Chap 134. An Act to authorize Edmund D. Hathaway and Guilford Hathaway to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built, &c., in Freetown.

Edmund D. Hathaway and Guilford Hathaway are hereby authorized to build and maintain a wharf from land owned by them on the easterly side of Assonett River, so called, in the town of Freetown, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [Approved by the Governor, March 20, 1846.]

Provided, &c.

Chap 135. An Act to authorize Benjamin T. Brightman to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built, &c., in Fall River to the channel, &c.

Benjamin T. Brightman is hereby authorized to build and maintain a wharf, from land owned by him, lying on the easterly side of Taunton River in the town of Fall River, and to extend said wharf into the channel of said river, to a depth not exceeding eight feet at low water, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [Approved by the Governor, March 20, 1846.]

Provided, &c.

Chap 136. An Act in addition to "An Act to incorporate the State Mutual Life Assurance Company of Worcester."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May invest in bonds or other personal securities, pledge of rail-road stock, &c.

The State Mutual Life Assurance Company of Worcester may invest their funds in such purchases and loans as are permitted to Savings Banks in the seventy-eighth and seventy-ninth sections of the thirty-sixth chapter of the Revised Statutes and in the forty-fourth chapter of the acts of the year eighteen hundred and forty-one. [Approved by the Governor, March 20, 1846.]

An Act to authorize County Commissioners to locate a Road and construct a Bridge in Braintree. *Chap 137.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners for the county of Norfolk, are hereby authorized and empowered to locate a road and construct a bridge over a certain stream of tide water, called Monatiquot River, which is situate in the town of Braintree; said bridge to be constructed above and near the dam at Calvin White & Co.'s grist mill, in said town of Braintree, in such manner as to accommodate public travel. *Location of road and bridge.*
[Approved by the Governor, March 20, 1846.]

An Act in addition to "An Act to incorporate the Peterborough and Shirley Rail-road." *Chap 138.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Peterborough and Shirley Rail-road Company are hereby authorized to locate, construct and maintain their road with one or more tracks, from the harbor, so called, in Townsend, on the most eligible route through the valley of the Squannacook and Nashua Rivers, in Townsend, Groton and Shirley, to a convenient point on the Fitchburg Rail-road, with authority to enter thereon by proper switches and turnouts, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the act to which this is in addition, or said company may use the route described in their act of incorporation. *May locate and construct a rail-road from Townsend Harbor to the Fitchburg Rail-road, with authority, &c.*
[Approved by the Governor, March 20, 1846.]

An Act to establish the Dividing Line between the towns of Bridgewater and East Bridgewater. *Chap 139.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The dividing line between the towns of Bridgewater and East Bridgewater, in the county of Plymouth, is hereby established as follows:—Beginning at a stone monument on the northerly side of the highway near the dwelling house of Lyman Willis, in West Bridgewater, on the line between the towns of East Bridgewater and West Bridgewater; thence running south sixty-five degrees and twenty-four minutes, east four hundred and forty-two rods, to a stone monument on the line between said towns of East Bridgewater and Bridgewater, on the northerly side of the highway leading from the dwelling house of Caleb Mitchell to Joppa village; thence running south eighty-five degrees and twenty minutes, east one hundred and eighty *Commencement and direction of dividing line.*

rods, to a stone monument on the northerly side of the road, about one rod from the bridge, being a former angle of the town line, and from thence to Halifax line, as described and established by an act, passed the twenty-third day of February, one thousand eight hundred and thirty-eight, establishing the dividing line between the said towns of Bridgewater and East Bridgewater, and the said line, as above described, shall forever hereafter be the dividing line between said towns.

Part of East
Bridgewater set
off.

SECTION 2. All the land, lying on the southerly side of said line, which has heretofore constituted a part of the town of East Bridgewater, is hereby set off and annexed to the town of Bridgewater; and all persons residing on the land aforesaid, shall be deemed and taken to be inhabitants of said town of Bridgewater.

Part of Bridge-
water set off.

SECTION 3. All the land lying on the northerly side of said dividing line, which has heretofore constituted a part of the town of Bridgewater, is hereby set off and annexed to the town of East Bridgewater.

Legal settle-
ment of pau-
pers.

SECTION 4. All persons who shall hereafter become chargeable as paupers to either of said towns of Bridgewater or East Bridgewater, whose legal settlement shall have been acquired on the territory set off by this act, from the town of East Bridgewater to the town of Bridgewater, and who are not residents upon said territory at the time of passing this act, shall receive their support by the town of East Bridgewater; and all persons who shall hereafter become chargeable as paupers to either of said towns, whose legal settlement shall have been acquired on the territory set off by this act from the town of Bridgewater to the town of East Bridgewater, and who are not residents upon said territory at the time of passing this act, shall receive their support by the town of Bridgewater.

When to take
effect.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1846.*]

Chap 140.

An Act to authorize Marcus A. Metcalf to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Boston may be
extended to the
line, &c.

Marcus A. Metcalf, proprietor of a certain wharf, situated at the foot of Minot and Andover streets, in the city of Boston, is hereby authorized to extend and maintain his said wharf, into the harbor channel as far as the line, established by an act, entitled "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and shall have a right to lay vessels at the sides and end of said wharf, and to receive dockage and wharfage therefor; *provided*, that so much of said wharf as

Provided, &c.

shall be erected under this act, shall be built on piles ; and *provided, further*, that this act shall in no wise affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, March 21, 1846.*]

An Act to authorize John Nickerson to extend his Wharf.

Chap 141.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John Nickerson is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land in Provincetown, into the harbor of Provincetown, to low water mark, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor ; *provided* this act shall not in any manner interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 21, 1846.*]

Wharf in Provincetown may be extended to low water mark.

Provided, &c.

An Act providing for a recompense to Prosecutors and Officers in certain cases.

Chap 142.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Upon any conviction of the offence of forging or making any false and counterfeit certificate, bill, or note, in the similitude of any certificate, bill, or note, issued by the treasurer of this Commonwealth, or any commissioner, or other officer, authorized by law to issue the same, for any debt of this Commonwealth, or any bank bill or promissory note, issued by or for any bank or banking company, established in this State, or in any of the United States, or for the offence of counterfeiting any gold or silver coin, current by law or usage, in this Commonwealth ; or for the offence of possessing, with intent to utter as true, or of knowingly uttering as true, any such false and counterfeit certificate, bill, note, or coin, as aforesaid ; and also, upon any conviction of having in possession materials, tools, plates, dies, moulds or implements, designed and adapted for counterfeiting such coin and bank bills purporting to be issued by such banks, as aforesaid ; and also upon forfeiture, by persons prosecuted for any of the offences aforesaid, of any recognizance for their appearance to answer to the same, the court before which such conviction may be had or where the record of such recognizance may be, may order a meet recompense to the prosecutor and also to the officer, who has secured and kept the evidence of the offence, not exceeding their actual expenses, with a reasonable allowance for their time and trouble, to be paid by the county treasurer, and charged by him to the Commonwealth : *provided*, that where recognizances are forfeited,

Remuneration to prosecutors, &c., of forgers, counterfeiters, &c., to be determined by court, &c., paid by county treasurer, and charged to the Commonwealth.

Provided, &c.

as aforesaid, the amount to be paid in any case shall not exceed the amount received by the Commonwealth thereon.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1846.*]

Chap 143.

An Act to authorize Nathan Paine to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Wellfleet may be extended, &c.

Nathan Paine is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land in Wellfleet, into the harbor of said Wellfleet, to the depth of six feet of water at the lowest tides ; and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, this act shall not in any manner interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 21, 1846.*]

Provided, &c.

Chap 144.

An Act to change the Name of Daniel Hitchcock.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To be named Daniel Townsley Hitchcock.

SECTION 1. Daniel Hitchcock, second of that name, of the town of Warren, in the county of Worcester, may take the name of Daniel Townsley Hitchcock, and shall be hereafter known and called by that name, as his only proper and legal name, to all intents and purposes.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1846.*]

Chap 145.

An Act to authorize Thomas J. Allen to plant Oysters in Westport River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant and dig oysters in Westport, &c.

SECTION 1. Thomas J. Allen, of Westport, in the county of Bristol, his heirs and assigns, are hereby authorized to plant and dig oysters in the waters and flats of Westport River, in said county, from high water mark into said river, on the bar situate on the easterly side of the channel above Hick's Bridge, so called, opposite the land of Frederick Brownell and Cynthia White.

Penalty for planting, digging, &c., within 20 years, without permission of said Allen, &c.

SECTION 2. The said Allen, his heirs and assigns, shall have the exclusive use of the said waters, flats and bar, to the extent aforesaid, for the purpose of planting and digging oysters, for the term of twenty years ; and if any person shall, within said limits, dig for or take any oysters, during the term aforesaid, without leave of said Allen, his heirs or assigns, he shall forfeit and pay a fine not exceed-

ing five dollars, for each offence, to be recovered in any court proper to try the same. [*Approved by the Governor, March 23, 1846.*]

An Act to establish the Hancock Free Bridge Corporation.

Chap 146.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Isaac Livermore, Charles Valentine, William Reed, their associates and successors, are hereby made a corporation, by the name of the Hancock Free Bridge Corporation, for the purpose of erecting a bridge across Charles River, and for other purposes herein specified; and the said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECTION. 2. Said corporation is hereby authorized to locate and construct a bridge across Charles River, beginning at a point, at or near the north westerly end of Allen street, in the city of Boston, and extending thence to the opposite shore of said river in Cambridge, at some convenient point between the West Boston Bridge and Canal Bridge, together with a suitable road or way to connect said bridge with Allen street, aforesaid, and with the main street, or road, in said Cambridge, and for that purpose to take a quantity of land extending the whole length of said bridge and ways, and not exceeding sixty feet in width, except for the erection of piers near the draw, and for such other piers as shall be necessary for the support of the bridge, said land to be used only for the purpose of a bridge and ways aforesaid; said bridge shall have a good and sufficient draw, as wide as the draw of the present West Boston Bridge, which draw shall be located by commissioners, to be appointed by the governor, with the advice of the council, at the expense of said corporation; and the said corporation shall construct a pier wharf near said draw, on each side of said bridge, for the accommodation of vessels passing through the same, of such form and dimensions, and extending in such direction, as said commissioners shall direct and appoint; said draw and wharves to be planked on the inside from the top of low water to the top of said draw and wharves, together with such other facilities and accommodations for the passage of vessels, through said bridge, as such commissioners shall direct to be made. Said bridge, draw and wharves, shall be built of good and sufficient materials, the bridge to be not less than forty-four feet in width, from outside to outside, with a good footway on each side thereof.

Location and construction of bridge.

SECTION 3. Said corporation shall be held liable to keep said bridge and draw in good repair, and to raise the draw,

Repairs, lights, &c.

and afford all necessary and proper accommodation to vessels having occasion to pass the same, by day and by night, and shall, when necessary, keep said bridge sufficiently lighted by lamps on each side of the same, not exceeding seventy feet apart; and if any vessel shall be unreasonably delayed in passing said draw, by the negligence of said corporation or their agents, in discharging the duties enjoined by this act, the owners or masters of such vessels may recover reasonable damages therefor, of said corporation, in an action on the case before any court competent to try the same.

Remedy of owners of real estate in case of disagreement as to damages.

SECTION 4. Said corporation shall be holden to make compensation to any person or corporation, whose real estate shall be taken for the use of said bridge, and if there shall be a difference of opinion as to the value of the same, either party may apply to the Court of Common Pleas, in the county where such real estate lies, for a committee to estimate the damage such person, persons or corporations, will sustain; and, upon such application, the court, after ten days' notice to the adverse parties to appear and show cause why such committee should not be appointed, shall, if no good reason be shown to the contrary, appoint three, or five, disinterested freeholders, within the county, who, being first sworn before some justice of the peace, and giving due notice to the parties to appear, if they see fit, for a hearing, shall proceed to the duties of their appointment, and estimate the value of the real estate, taken as aforesaid, and shall make return of their doings, as soon as may be, to said court; and, upon acceptance of said report, judgment may be given thereon, with cost, to either party, according to the discretion of the court: *provided*, that in all cases, either party may claim a trial by jury, as in similar cases when lands are taken for public uses.

Provided, &c.

Tolls.

SECTION 5. Said corporation shall have the right to collect and receive the same rates of toll as are allowed by law to be received by the proprietors of the West Boston Bridge: *provided*, that whenever the tolls collected on said Hancock Free Bridge, shall be sufficient to reimburse the proprietors for the cost of the real estate, and for the building of said bridge with six per cent. interest, annually, and for all the expenses of the repairs upon said bridge, and all current and incidental expenses of its superintendence and management, leaving a fund of one hundred thousand dollars for the future support of said bridge, then the tolls on said bridge shall cease, and the bridge and funds shall revert to, and be vested in, the Commonwealth, to be maintained as a free bridge for ever after.

Provided, &c.

Capital stock not to exceed \$80,000 in shares of \$100.

SECTION 6. Said Hancock Free Bridge Corporation are hereby authorized to raise, for the purpose of erecting said bridge and roads, and for the purchase of real estate neces-

sary for the same, the sum of eighty thousand dollars, by the creation of eight hundred shares of stock of one hundred dollars each.

SECTION 7. Said Hancock Free Bridge Corporation shall have the right to purchase and hold the West Boston Bridge and the franchise thereof; and if the West Boston Bridge Corporation shall, at a legal meeting, vote to sell their bridge and the franchise thereof, to the Hancock Free Bridge Corporation, at such price as may be agreed upon by the two corporations, or for such sum as three disinterested persons, or a majority of them; one to be selected by the Hancock Free Bridge Corporation, one by the West Boston Bridge Corporation, and the third to be selected by the two thus chosen, shall appraise the same to be worth; the Hancock Free Bridge Corporation shall assent thereto, and shall be bound to purchase the said bridge at the appraisal so made; *provided* the said West Boston Bridge Corporation shall transfer their bridge and the franchise thereof, to the Hancock Free Bridge Corporation, on or before the first day of July next. And the said West Boston Bridge Corporation is hereby authorized to make the aforesaid transfer of their bridge and the franchise thereof.

May purchase
the West Boston
Bridge.

Provided, &c.

SECTION 8. The Hancock Free Bridge Corporation shall also be bound to purchase the Canal Bridge; *provided* the Canal Bridge Corporation shall agree to sell their bridge and the franchise thereof, to the Hancock Free Bridge Corporation, at such price as may be agreed upon by the two corporations, or for such sum as three disinterested persons, to be selected in the same manner as is heretofore provided for the selection of the appraisers of the West Boston Bridge, shall appraise the same to be worth, and shall make a legal transfer of the same to the Hancock Free Bridge Corporation, on or before the first day of July next.

Shall purchase
the Canal
Bridge.

Provided, &c.

And the Canal Bridge Corporation are hereby authorized to make the aforesaid transfer of their bridge and the franchise thereof.

If the said West Boston Bridge Corporation, and the said Canal Bridge Corporation shall each sell and transfer their respective bridges to the Hancock Free Bridge Corporation, as herein provided; or if the said Hancock Free Bridge Corporation shall refuse to purchase the same in conformity to the foregoing provisions, then the authority conferred on the Hancock Free Bridge Corporation, by the second section of this act to build a bridge, shall be void.

In case of pur-
chases, &c.
bridge not to
be built.

SECTION 9. From and after the completion of the transfer of either or both of said bridges, the said Hancock Free Bridge Corporation shall have the right to collect and receive the same rates of toll that are now received by said corporation or corporations respectively; *provided*, that whenever the tolls so received on said bridge or bridges, shall be

Collection of
tolls after said
purchases.

Provided, &c.

sufficient to reimburse the proprietors for the cost of said bridge or bridges, with six per cent. interest annually, and for all the expenses for the repairs upon the same, and all current and incidental expenses of the superintendence and management of the same, leaving a fund of one hundred thousand dollars for the future maintenance of the West Boston Bridge, or a fund of fifty thousand dollars for the support of the Canal Bridge, in case but one of said bridges shall be purchased, or the sum of one hundred and fifty thousand dollars, should both of said bridges be so purchased, the tolls on said bridge or bridges shall cease, and the bridge or bridges so purchased, together with said fund, shall revert to and become the property of the Commonwealth, the said bridge or bridges, to be maintained from said fund free of tolls, forever after.

Annual report of receipts, &c. to be made in January.

SECTION 10. Said Hancock Free Bridge Corporation shall make an annual report, in the month of January, in each year, to the governor and council, of all receipts from toll or other sources, and of all expenses incurred for repairs and taking care of said bridge or bridges, during the year next preceding, and shall further make a like report at any time when required by the governor, by and with the advice of the council.

Purchase money may be raised in shares of \$100.

SECTION 11. Said Hancock Free Bridge Corporation is hereby authorized to raise, for the purpose of purchasing said bridge or bridges, an amount of stock equal to the amount paid for the purchase of the same, by the creation of a requisite number of shares of one hundred dollars each.

Time for purchase and completion of bridges.

SECTION 12. If the said West Boston and Canal Bridges shall not be purchased as is herein before provided, or if the said Hancock Free Bridge, and the roads leading thereto, shall not be completed and opened for travel within four years from the passage of this act, then the same shall be null and void.

When to take effect.

SECTION 13. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1846.*]

Chap 147.

An Act giving further time to the President, Directors and Company of the Cohannet Bank to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued to April 1, 1847.

SECTION 1. The president, directors and company of the Cohannet Bank, are continued a corporation for the period of one year from the first day of April, in the year one thousand eight hundred and forty-six, with all the powers and privileges, and subject to the limitations set forth in the seventh section of the forty-fourth chapter of the Revised Statutes.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 25, 1846.] When to take effect.

AN ACT to authorize "the General Convention of the Baptist Denomination in the United States, for Foreign Missions, and other important objects relating to the Redeemer's Kingdom," to take and use the name of "the American Baptist Missionary Union," and to define more clearly the purpose, rights and powers of the said Corporation.

Chap 148.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The corporation created in Pennsylvania, under the name of "the General Convention of the Baptist Denomination in the United States, for Foreign Missions, and other important objects relating to the Redeemer's Kingdom," may hereafter take and use, and be called and known by the name of the American Baptist Missionary Union, as well as by its said original name of incorporation, and is hereby continued a body corporate, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, as far as applicable.

Pennsylvania corporation continued, with another name.

SECTION 2. The single purpose of the said American Baptist Missionary Union shall be to diffuse the knowledge of the religion of Jesus Christ, by means of missions throughout the world.

Objects of the society.

SECTION 3. The union shall meet annually on the third Thursday of May, or at such other time, and at such place as it may appoint.

Annual Meetings.

SECTION 4. Nothing herein contained shall render invalid any gifts, grants, devises and legacies, which have been or hereafter may be made to the said corporation, by the name of "the General Convention of the Baptist Denomination in the United States for Foreign Missions and other important objects relating to the Redeemer's Kingdom," but the same shall enure to and be held to be made to and belong to the said corporation, notwithstanding the authority hereby given it to use the name of the American Baptist Missionary Union. *Provided*, that no verbal mistake in the name of the said corporation shall invalidate any gift, grant, devise or legacy intended for it.

Grants, &c., made to the Society under its former name, made valid.

SECTION 5. The said corporation may, for the purpose aforesaid, hold real estate not exceeding in amount fifty thousand dollars, and personal estate not exceeding in amount one hundred thousand dollars. [Approved by the Governor, March 25, 1846.]

Provided, &c.

Real estate not to exceed \$50,000, and personal \$100,000.

Chap 149. An Act to authorize Samuel Barnard and Jacob Hittinger to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Charlestown may be extended to the line, &c.

Samuel Barnard and Jacob Hittinger are hereby authorized to extend their wharf in the town of Charlestown, to the line established by the act concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that the provisions of this act shall in no wise affect the legal rights of any corporations or persons whatever. [Approved by the Governor, March 25, 1846.]

Provided, &c.

Chap 150. An Act to incorporate the New England Female Moral Reform Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for benevolent purposes.

SECTION 1. Catharine Kilton, Rebecca Eaton, Mary R. Clough, and Hannah B. Emerson, their associates and successors, are hereby incorporated and made a body politic, by the name of The New England Female Moral Reform Society, for the reform of dissolute women, and aiding them to obtain suitable employment, and for these purposes, shall have all the powers and privileges, and be subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Real estate not to exceed \$40 000, and personal \$10,000.

SECTION 2. The said corporation may take and hold real estate not exceeding the value of forty thousand dollars, and personal estate not exceeding the value of ten thousand dollars, for the aforesaid charitable purposes. [Approved by the Governor, March 25, 1846.]

Chap 151. An Act to incorporate the Wading River Reservoir Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to construct, support, &c., one or more reservoirs, &c.

SECTION 1. Samuel L. Crocker, Jonathan Bliss, Silas Shepard, their associates and successors, are hereby made a corporation, by the name of The Wading River Reservoir Company, for the purpose of constructing, supporting and occupying a reservoir or reservoirs of water in the towns of Wrentham and Foxborough, in the county of Norfolk, and of increasing the water-power of the river called Three

Mile River, for the benefit of the mills and manufacturing establishments thereon, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation is hereby authorized to make and construct all necessary dams, gates and trenches, and to hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount eight-
 Estate not to exceed \$18,000.
 25, 1846.]

May construct dams, &c.

Estate not to exceed \$18,000.

An Act to incorporate the South Shore Rail-road Company.

Chap 152.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Gershom B. Weston, William H. Sampson, and John Hicks, their associates and successors, are hereby made a corporation, by the name of the South Shore Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in the several statutes which have been, or may be passed, relating to such corporations.

Persons incorporated to construct a rail-road.

SECTION 2. The said company may construct a rail-road commencing at the most convenient point, at or near the depot of the Old Colony Rail-road in Quincy, and thence in the most eligible route through the northerly part of the town of Braintree, and thence through the town of Weymouth by Weymouth Landing and East Weymouth, to the town of Hingham, and thence through the towns of Hingham, Cohasset, Scituate, and Marshfield, to a convenient point in the town of Duxbury; pursuing the courses laid down in the surveyor's reports and plans, filed with the petition, as nearly as conveniently may be, excepting at the point of junction in Quincy; *provided, however,* that the said road shall not cross any navigable waters in said town of Weymouth.

Location of road, &c.

Provided, &c.

SECTION 3. The capital stock of said company, shall not exceed six hundred thousand dollars, and shall be divided into shares of fifty dollars each, and no assessment shall be laid, exceeding in the whole fifty dollars on each share, and said corporation may invest and hold such part thereof in real estate, as may be necessary and convenient, for the purposes of their incorporation.

Capital stock not to exceed \$600,000, in shares of \$50.

SECTION 4. The Legislature may, after the expiration of four years, from the time when the said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits, upon said road, but the said tolls

The Legislature after four years may alter and reduce, tolls and profits.

Provided, &c. shall not, without the consent of said corporation, be so reduced, as to produce with said profits, less than ten per centum per annum.

Time for locating and completing road. SECTION 5. If said corporation be not organized, and the location of their road filed within one year, and that portion of the road from Quincy to Cohasset, be not completed within two years from the first of May next ensuing, and the road from Cohasset to Duxbury, be not completed within three years from said last named date, then this act shall be void.

May unite with the Old Colony Rail-road Corporation. SECTION 6. The said corporation is hereby authorized to unite their rail-road, with that of the Old Colony Rail-road Corporation, in Quincy, at such point, at or near to their present depot, as may be most eligible, with all the rights and privileges of entering upon and using the same, and of having their passengers, merchandise and cars, drawn over the same by the Old Colony Rail-road Corporation, and subject to all the restrictions, terms and conditions, set forth in any laws now existing, or which shall be hereafter enacted, to regulate the use of rail-roads, and subject also to such reasonable rules and regulations, as may be established by the said Old Colony Rail-road Corporation, for their mutual safety and convenience. And the Legislature may authorize any rail-road corporation, to unite their road with the road of the said South Shore Rail-road Company, with the like rights and privileges, and subject to the like restrictions, terms and conditions, and to such reasonable rules and regulations, as may be for the like purpose, established by the said South Shore Rail-road Company. [*Approved by the Governor, March 26, 1846.*]

Legislature may authorize any other company to unite, &c.

Chap 153.

An Act to incorporate the Union Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated, SECTION 1. William Almy, Abbott Lawrence and Henry B. Stone, their associates and successors, are hereby made a corporation, by the name of The Union Mills, for the purpose of manufacturing cotton, wool and flax, in the town of Methuen, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$1,000,000. SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate not exceeding in value, the sum of one million of dollars. [*Approved by the Governor, March 26, 1846.*]

to manufacture cotton, wool and flax, in Methuen.

An Act in relation to the House of Correction and Asylum for Insane Persons in the County of Essex.

Chap 154.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The county commissioners of the county of Essex, may, if they judge it expedient, pay the master of the house of correction, for said county, for his services, by a salary, instead of paying him for the board or support of prisoners ; and, if he shall be so paid, all necessary supplies for said house shall be procured and furnished by said commissioners, or by the overseers thereof, under the direction of said commissioners, and said county of Essex shall have the same remedies for maintaining prisoners committed to said house as are provided by law for the city of Boston in like cases.

Master of the House of Correction may be paid by a salary, &c.

SECTION 2. The said county commissioners shall appoint a superintendent and matron of the receptacle or asylum for idiots and insane persons not furiously mad, erected and provided for said county, agreeably to the two hundred and twenty-third chapter of the statutes, passed on the thirteenth day of April in the year one thousand eight hundred and thirty-six, and all persons confined therein shall be committed to the care and custody of said superintendent, who shall keep a record of all commitments thereto and of all discharges therefrom, and a reasonable compensation shall be allowed to said superintendent and matron for their services ; and said county shall have the same remedies for the care and support of persons confined in said asylum, as are provided in the preceding section for maintaining prisoners in the house of correction.

County commissioners to appoint superintendent and matron of asylum for idiots, &c.

SECTION 3. All lunatics or idiots who have been or shall be removed from the State Lunatic Hospital, at Worcester, to said county of Essex, by order of the trustees thereof, pursuant to the provisions of law, which require that patients so removed shall be confined in the house of correction or in one of the jails in said county, shall hereafter be confined in said asylum.

Lunatics, &c. removed from the State Hospital, to be confined in the asylum.

SECTION 4. The said county commissioners may, if they deem it expedient, and the sheriff, of said county, shall thereto consent, provide, and furnish all necessary supplies for the prisoners who may be committed to the jail in Ipswich, in said county, and allow the keeper thereof, for his care of the same and for his services, such compensation as they may judge reasonable.

Commissioners, with the consent of the sheriff may provide at Ipswich, &c.

SECTION 5. The act "to provide for the government and management of houses of correction in certain cases," passed on the fourth day of February, in the year one thousand eight hundred and forty-six, shall not apply to said county of Essex.

Essex excepted from the operation of previous act.

When to take effect.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, March 26, 1846.*]

Chap 155.

An Act to incorporate the Millville Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton and
woollen goods
in Blackstone.

Real estate not
to exceed
\$75,000, and
capital stock
\$250,000.

SECTION 1. Charles L. Harding, Jonathan Farnum, Welcome Farnum, their associates and successors, are hereby made a corporation, by the name of the Millville Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Blackstone, county of Worcester; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate, not exceeding in value seventy-five thousand dollars, and the whole capital stock shall not exceed two hundred and fifty thousand dollars. [*Approved by the Governor, March 26, 1846.*]

Chap 156.

An Act to increase the Capital Stock of the Northampton Woollen Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock
may be in-
creased
\$200,000.

The Northampton Woollen Manufacturing Company are hereby authorized to increase their capital stock to an amount not exceeding two hundred thousand dollars; and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, March 26, 1846.*]

Chap 157.

An Act to establish the Lowell and Andover Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated to con-
struct a rail-road.

SECTION 1. William Livingston, Sidney Spaulding, Otis Allen, Royal Call, their associates and successors, are hereby made a corporation, by the name of the Lowell and Andover Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes, and the statutes which have been, or may be subsequently passed, which relate to rail-road corporations, and also in the forty-fourth chapter of said Revised Statutes.

SECTION 2. The said company is hereby authorized and empowered to locate, construct, and finally complete a rail-road, with one or more tracks, from some convenient point in the city of Lowell, near the termination of a contemplated branch of the Nashua and Lowell Rail-road, and between the junction of said branch and the canal, thence crossing the track of the Boston and Lowell Rail-road, at or near the arch bridge, and running within the location of the said rail-road, by or near the east side of said tracks, to a point between the bridge over the old Boston road, and the junction of the branch rail-road, leading to the Lowell Bleachery, with power to alter, in a suitable manner, within said limits, and under the provisions hereinafter contained, the bridges and abutments across said Boston and Lowell Rail-road, and with power to diverge easterly therefrom, by one or more tracks, to some convenient point or points, not more than fifty rods therefrom, and thence through the town of Tewksbury, passing near the Rev. Jacob Coggins' meeting-house, and thence by a line running west of Haggett's Pond, so called, in Andover, to some convenient point at or near the contemplated branch of the Boston and Maine Rail-road, to Methuen, or intersecting with the said Boston and Maine Rail-road near the Andover Bridge.

Location of
road, &c.

SECTION 3. The said company is hereby authorized to enter, with their road, upon the Boston and Maine Rail-road and the Nashua and Lowell Rail-road, at the points above described, and upon that part of the Boston and Lowell Rail-road which is north of the junction of the branch leading to the Lowell Bleachery, and to use the same or any part thereof.

May enter upon
and use the
Boston and
Maine, the
Nashua and
Lowell, and
Boston and
Lowell Rail-
roads.

SECTION 4. The said company shall construct and maintain their track, or so much thereof, as shall be within the location of the Boston and Lowell Rail-road Corporation, and shall cross the tracks of said corporation, in such place within the limits prescribed by this act, and in such manner as the Boston and Lowell Rail-road Corporation shall prescribe, or as shall be determined and fixed according to the provisions of the act passed the 25th day of March last, entitled, "An Act to regulate the use of Rail-roads," and shall conform to and abide by such reasonable rules and regulations, for security against collision and accidents, as the Boston and Lowell Rail-road Corporation shall establish for the management of the motive power and trains on the respective roads, at or near such crossings, or within the location of said corporation.

Crossings, &c.,
to be regulated
by Boston and
Lowell Corpo-
ration, or by
general act,
&c.,

SECTION 5. If the company hereby created shall object to the place and manner, in which they shall be required to construct and maintain their crossing and track, by the

or by commis-
sioners, &c.

Compensation
to Boston and
Lowell Rail-
road.

Boston and Lowell Rail-road Corporation, within their premises, or to the rules and regulations which they shall prescribe, as aforesaid, then and in such case the same shall be established and determined, from time to time, by commissioners appointed according to the provisions of the said act, to regulate the use of rail-roads. And it is further provided, that the company hereby created shall pay to the Boston and Lowell Rail-road Corporation, a reasonable compensation for such use of their road as is granted by this act, the amount to be paid in one sum and not as annual rent, and to be determined, in case of disagreement, by three referees, two of whom the said companies shall appoint, (each company appointing one,) and the two shall choose a third; and the company hereby established shall indemnify the said Boston and Lowell Rail-road Corporation, from time to time, for any additional cost and expenses which they shall be put to by reason of such crossing of their road, in the preparation, repair and maintenance thereof, and arising from the necessity of the precautions aforesaid, to be prescribed for the prevention of collisions and accidents.

Capital stock
not to exceed
\$300,000 in
shares of \$100.

SECTION 6. The capital stock of said Lowell and Andover Rail-road Company shall consist of not more than three thousand shares, the number of which shall, from time to time, be determined by the directors thereof; and no assessment thereon shall be laid, of a greater amount, in the whole, than one hundred dollars on each share.

Time for loca-
tion and com-
pletion of road.

SECTION 7. If the location of said rail-road shall not be filed, according to law, within one year from the first day of September next, or if said company shall not complete said rail-road to the extent provided for in the second section of this act, according to the terms therein stated, within three years from the first day of September next, then this act shall be null and void.

The Legislature
may authorize
other compa-
nies to enter
upon and use
the road.

SECTION 8. The Legislature may authorize any company to enter with another rail-road, at any point of said Lowell and Andover Rail-road, and use the same or any part thereof.

The Legisla-
ture after 5
years may re-
duce tolls and
profits.
Provided, &c.

SECTION 9. The Legislature may, after the expiration of five years from the time when said rail-road shall be opened for use, from time to time, reduce the rates of toll, or other profits, upon said rail-road; but said toll, or other profits, upon said rail-road, shall not, without the consent of said company, be so reduced as to produce, with said profits, less than ten per cent. per annum.

When to take
effect.

SECTION 10. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1846.*]

An Act authorizing the Boston and Providence Rail-road Corporation to construct a Branch Rail-road.

Chap 158.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Boston and Providence Rail-road Corporation are hereby authorized with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter, and all statutes subsequently passed relating to rail-road companies, to locate and construct a branch rail-road commencing at some eligible point in the line of the Boston and Providence Rail-road in Attleborough Precinct, and thence running in a westerly direction over or near Read's Pond, and through or near Attleborough Meadows, so called, and through or near Brick Hill, to the line of the State of Rhode Island, in said town of Attleborough; or commencing at some point in said Boston and Providence Rail-road, between the village of Dodgeville and the seven mile post on said road, and thence running in a westerly direction, southerly of Miller's Hill, and through or near Sweeting Swamp, to the line of the State of Rhode Island, in the town of Pawtucket or the town of Attleborough.

Location of
Branch road.

SECTION 2. The said corporation, for the purpose of constructing the said branch road, are hereby authorized to increase their capital stock, by an amount not exceeding one hundred and thirty thousand dollars, by creating an additional number of shares, not exceeding thirteen hundred, of one hundred dollars each.

Capital stock
may be increased
by adding
\$130,000, in
shares of \$100.

SECTION 3. The said Boston and Providence Rail-road Corporation are hereby authorized to expend of their capital stock, such sum as the directors may deem expedient for the purpose of connecting a rail-road, which shall be a continuation of the branch road herein before authorized to be constructed, with the rail-road of the Providence and Worcester Rail-road Corporation, for the laying of a track or tracks from the point of junction of said roads to the city of Providence, for the purchase of depot accommodations in said city of Providence, and for the making of any other arrangements which may be necessary to effect and complete the connection between the roads aforesaid. [Approved by the Governor, March 27, 1846.]

Capital stock
may be expended
in connecting
a rail-road, &c.,
laying a track,
and purchase of
depot, &c.

Chap 159. An Act to authorize the City of Salem to construct a Bridge across South River in Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location, construction and maintenance, form, &c. of a bridge in Salem.

SECTION 1. The city council of the city of Salem, are hereby authorized, whenever, in their opinion, the public convenience shall require it, to construct a bridge over and across South River, in said Salem, in a line from Union street to Stage Point, so called, with a draw not less than thirty feet in width, but wider, if public convenience shall require, and with such piers as, in their judgment, may be necessary.

Proceedings before city council.

SECTION 2. In constructing said bridge, the same proceedings shall be had before the mayor and aldermen and the common council, as are by law required in laying out streets and townways.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1846.*]

Chap 160. An Act to incorporate the Proprietors of the Cabot and West Springfield Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Robert E. Bemis, Veranus Chapin, Aaron Ashley and Horace Smith, their associates, successors and assigns, are hereby made a corporation, by the name of The Proprietors of Cabot and West Springfield Bridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Location, construction, maintenance, form, &c. of a bridge over the Connecticut River.

SECTION 2. The said corporation is hereby authorized and empowered to erect a bridge over Connecticut River, between the towns of Springfield and West Springfield, at Ashley's Ferry, so called, or between that and Jones' Ferry, the location to be fixed by the county commissioners of the county of Hampden, and to purchase and hold such real estate as may be proper for the purpose: and said bridge shall be well built of suitable materials, at least twenty-six feet wide, and covered with planks, with sufficient rails on each side for the protection of passengers travelling thereon, and shall be kept in good repair at all times.

Tolls.

SECTION 3. A toll is hereby granted to said proprietors, and is established at the following rates, viz: for each foot passenger, one cent; for each horse and rider, five cents; for each gig, sulkey or buggy wagon, twelve cents; for each chaise, carryall or covered buggy, fifteen cents; for each coach, chariot or phaeton, drawn by two horses, twenty-five cents; and for each additional horse, four cents; for each

cart, wagon, sled, or other carriage of burden, drawn by one beast, ten cents; for each additional beast, four cents; for each horse without a rider, four cents; for neat cattle, asses and mules, each, three cents; for sheep and swine, each, one cent; and one person and no more to each team, shall pass free from toll; and all persons who shall have occasion to pass the said bridge, to perform military duty, shall pass, with their necessary horses and carriages, free from toll.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge, and continue for the term of fifty years thereafter; and, at the place of receiving the said tolls, there shall be constantly exposed to view, a sign board, with said rates of toll, fairly and legibly printed thereon.

Period of taking tolls.

Sign board with rates of toll.

SECTION 5. The said corporation, at the time of the opening of the said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the same; and also, at the end of every three years thereafter, a true account of all receipts and disbursements on account of the same, to be returned into the office of the Secretary of the Commonwealth.

Account of cost, receipts, disbursements.

SECTION 6. The said corporation may, if it see cause, commute said rates of toll with any person or persons, by taking of him or them, a certain less sum, payable at any stated periods, instead of the toll aforesaid; or by taking of all persons less rates of toll than as before specified: public notice of their intention so to do, being first given, by publishing the same three weeks successively, in any newspaper printed in the county of Hampden.

Commutation and diminution of tolls.

SECTION 7. The Legislature may, at any time hereafter, regulate the tolls on said bridge, as they may deem expedient.

The Legislature may regulate tolls.

SECTION 8. If the said corporation shall neglect, for the space of four years from the passing of this act, to build and finish the said bridge, then this act shall be of no effect. [Approved by the Governor, March 27, 1846.]

Time for completing the bridge.

An Act authorizing the Norfolk Mutual Fire Insurance Company to hold Real Estate.

Chap 161.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Norfolk Mutual Fire Insurance Company are hereby authorized to purchase and hold such real estate, in the county of Norfolk, to an amount not exceeding fifteen thousand dollars, as may be convenient for the business of said institution.

Real estate not to exceed \$15,000.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 27, 1846.]

When to take effect.

Chap 162.

An Act to incorporate Mount Holyoke Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. John S. Adams, Luke Sweetser, and Samuel Nash, and their associates and successors, are hereby made a corporation, by the name of Mount Holyoke Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws, which have been or shall be hereafter passed, relative to rail-road corporations.

Location of
road.

SECTION 2. Said corporation is hereby empowered and authorized to locate, construct, and complete a rail-road, with one or more tracks, from the southern termination of the Hampshire and Franklin Rail-road, in the village of Hockanum, in the town of Hadley and county of Hampshire, passing through a part of Hadley and South Hadley, in said county, and a part of Springfield, in the county of Hampden, to some convenient point upon the Connecticut River Rail-road, at or near Willimanset in said Springfield.

Capital stock
not to exceed
\$200,000, in
shares of \$100.

SECTION 3. The capital stock of said corporation shall consist of not more than two thousand shares, the number of which shall, from time to time, be determined by the directors of said corporation ; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share ; and said corporation may invest and hold such part thereof in real and personal estate as may be necessary and convenient for the purposes of their incorporation.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If said corporation be not organized, and that part of the location of its road within the county of Hampshire, be not filed with the county commissioners of that county, and the location of that part of said road within the county of Hampden, be not filed with the county commissioners of that county within one year, and the said rail-road be not completed within three years from the passage of this act, then the same shall be void.

May enter upon
and use the
Hampshire and
Franklin Rail-
road,

SECTION 5. Said corporation is hereby authorized to enter upon, and unite their rail-road, by proper turnouts and switches, with the Hampshire and Franklin Rail-road, at the termination thereof at Hockanum, and use the same or any part thereof.

and Connecti-
cut River Rail-
road.

SECTION 6. Said Mount Holyoke Rail-road Company may also enter upon, and unite their rail-road, by proper turnouts and switches, with the Connecticut River Rail-road, at some convenient place at or near Willimanset in

Springfield, and use said Connecticut River Rail-road, or any part thereof, between said point and the junction thereof with the Western Rail-road in Springfield.

SECTION 7. The Legislature may authorize any company to enter with another rail-road upon, and use the said Mount Holyoke Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Mount Holyoke Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may authorize any other company to enter upon and use the road.

SECTION 8. The Legislature may, after the expiration of five years from the time when the said Mount Holyoke Rail-road shall be opened for use, from time to time, alter and reduce the rate of toll, or profits upon said road; but said toll shall not be so reduced, without the consent of said corporation, as to produce, with said profits, less than ten per cent. per annum.

The Legislature, after 5 years, may reduce tolls and profits, provided, &c.

SECTION 9. The said Mount Holyoke Rail-road Company, and the Hampshire and Franklin Rail-road Company are hereby authorized to unite in such a manner, and on such terms, as the respective corporations may agree upon; and when the said corporations shall have so united, they shall be one corporation, by the name of the Hampshire and Franklin Rail-road Company; and all the franchises, property, privileges, duties, and liabilities, granted, acquired, or incurred, under the authority of the respective charters of said corporations, shall be held, enjoyed, and performed by the said Hampshire and Franklin Rail-road Company, as the same shall exist after such union; and their capital stock may then be equal to the amount of their several capitals; *provided, however*, that no such union shall take place without a vote of two thirds of the legal voters of the said Mount Holyoke Rail-road Company, and also of the said Hampshire and Franklin Rail-road Company, at meetings of said companies respectively, duly notified and called for that purpose. [*Approved by the Governor, March 27, 1846.*]

May unite with, and take the name of, the Hampshire and Franklin Rail-road Company.

Provided, &c.

An Act to incorporate the Braintree Cotton Manufacturing Company.

Chap 163.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Jacob Perkins, Salmon Hewitt, their associates and successors, are hereby made a corporation, by the name of the Braintree Cotton Manufacturing Company, for the purpose of manufacturing cotton goods, and machinery, in the town of Braintree, county of Norfolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton goods and machinery in Braintree.

SECTION 2. Said corporation may, for the purpose afore-

Real estate not to exceed \$25,000, and capital stock \$75,000.

said, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars. [Approved by the Governor, March 27, 1846.]

Chap 164. An Act additional to "An Act to incorporate the Vermont and Massachusetts Rail-road Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for filing location of road, extended to thirty days from the adjournment of the General Court.

SECTION 1. The time fixed for the filing of the location of the road specified in the third section of an act entitled "An Act to incorporate the Vermont and Massachusetts Rail-road Company," approved on the fifteenth day of March, in the year one thousand eight hundred and forty-four, is hereby extended beyond the first day of April next, until the expiration of thirty days from and after the adjournment of the present session of this General Court.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 27, 1846.]

Chap 165. An Act to incorporate the E. Carver Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Eleazer Carver, Caleb S. Hunt, Franklin Dexter, their associates and successors, are hereby made a corporation, by the name of the E. Carver Company, for the purpose of manufacturing cotton gins in the town of East Bridgewater, county of Plymouth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture cotton gins in East Bridgewater.

Real estate not to exceed \$20,000, and capital stock \$75,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of twenty thousand dollars, and the whole capital stock of said company shall not exceed seventy-five thousand dollars. [Approved by the Governor, March 27, 1846.]

Chap 166. An Act to authorize the extension of the Wharves and Landing Place, at Chelsea, of the Winnisimmet Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharves in Chelsea may be extended 60 feet.

SECTION 1. The Winnisimmet Company are hereby authorized, for the better accommodation of the public travel on the Winnisimmet Ferry, to extend their wharves and docks, for the reception of the ferry boats at Chelsea, into and over the tide waters of the harbor, to a distance not exceeding sixty feet from the end of their present wharves and docks

at said Chelsea, by driving additional piles in front of the same, with the right and privilege of using and occupying the flats, within or adjoining the said wharves and structures, for the purposes of said ferry: *provided*, that nothing in this act contained shall in any wise impair or interfere with the private rights of any other person or persons whatsoever. [*Approved by the Governor, March 27, 1846.*]

Provided, &c.

An Act for supplying the City of Boston with Pure Water.

Chap 167.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The city of Boston is hereby authorized, by and through the agency of three commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the said city, the water of Long Pond, so called, in the towns of Natick, Wayland and Framingham, and the waters which may flow into and from the same, and any other ponds and streams within the distance of four miles from said Long Pond, and any water rights connected therewith; and may also take and hold, by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of, and distributing water, and for forming reservoirs; and may also take and hold any land on and around the margin of said Long Pond, not exceeding five rods in width, measuring from the verge of said pond, when the same shall be raised to the level of eight feet above the floor of the flume at the outlet thereof, and on and around the said other ponds and streams, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of pure water for the said city of Boston. The city of Boston shall, within sixty days from the time they shall take any lands or ponds or streams of water for the purposes of this act, file, in the office of the registry of deeds, for the county where they are situate, a description of the lands, ponds or streams of water so taken, as certain as is required in a common conveyance of lands, and a statement of the purpose for which taken, which said description and statement shall be signed by the said mayor.

City may obtain water from Long Pond, &c. in Natick, &c.

And may take and hold land, &c.

Provided, &c.

SECTION 2. The said city may, by and through the same agency, make and build one or more permanent aqueducts, from any of the aforesaid water sources, to, into and through the said city, and secure and maintain the same by any works suitable therefor; may connect the said water sources with each other; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without the said city; may make and establish such public hydrants, in such places as may, from time to time, be deemed proper, and prescribe the purposes

May construct aqueducts, dams, and reservoirs, &c., distribute water, &c. and cross and dig up high-ways, &c.

for which they may be used, and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto; may regulate the use of the said water within and without the said city, and establish the prices or rents to be paid therefor. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts, or other works, by them to be made and constructed, over or under any water-course, or any street, turnpike-road, rail-road, highway, or other way, in such manner as not to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and, in general, may do any other acts and things necessary, or convenient and proper, for the purposes of this act.

Appointment,
duties, &c. of
commissioners.

SECTION 3. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute and perform, and superintend and direct, the execution and performance of all the works, matters and things mentioned in the preceding sections which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth; they shall respectively hold their said offices for the term of three years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two thirds of each branch of the city council; and in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his said office for the residue of the said term of three years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the said office; they shall, once in every six months, and whenever required by the city council, make and present in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Compensation.

SECTION 4. Before the appointment of the commissioners aforesaid, the city council shall establish and fix the salaries, or compensation, to be paid to the commissioners for their services; and the said salaries of the said commissioners,

so established and fixed as aforesaid, shall not be reduced during their continuance, respectively, in said office.

SECTION 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of three years from the original appointment, or by the completion of the aqueducts and works mentioned in the preceding sections of this act, all the rights, powers and authority, given to the city of Boston by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.

Power to be exercised by the city, after the office of commissioners has ceased.

SECTION 6. The said city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water, or water rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes of this act. And if the owner of any land, water, or water rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply, by petition, for the assessment of his damages, at any time within three years from the taking of the said land, water or water rights, as aforesaid, and not afterwards, to the court of common pleas, in the county in which the same are situate; such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Boston, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days, at least, before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of the said city; and the said court may, upon default or hearing of the said city, appoint three judicious and disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

Remedy of owners of lands, &c., in case of disagreement as to damages.

SECTION 7. If either of the parties mentioned in the preceding section, shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have

Right of parties to trial, if dissatisfied with award.

a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon; and cost shall be recovered by the said parties respectively, in the same manner as is provided by law, in regard to proceedings relating to the laying out of highways.

Time for application for damages.

SECTION 8. No application shall be made to the court, for the assessment of damages for the taking of any water rights, until the water shall be actually withdrawn or diverted by the said city under the authority of this act; and any person or corporation, whose water rights may be thus taken and affected, may make his application aforesaid, at any time within three years from the time when the waters shall be first actually withdrawn or diverted as aforesaid.

City council may issue scrip to the amount of \$3,000,000, bearing interest, &c., payable at dates, &c.

SECTION 9. For the purpose of defraying all the costs and expenses of such lands, estates, waters and water rights, as shall be taken, purchased or held, for the purposes mentioned in this act, and of constructing all aqueducts and works necessary and proper, for the accomplishment of the said purposes, and all expenses incident thereto, the city council shall have authority to issue, from time to time, notes, scrip, or certificates of debt, to be denominated, on the face thereof, "BOSTON WATER SCRIP," to an amount not exceeding, in the whole, the sum of three millions of dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing of the said scrip, notes, or certificates respectively. And the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper.

Scrip for payment of interest.

SECTION 10. In addition to the sum of three millions of dollars mentioned in the preceding section, the said city council may, whenever and so far as may be necessary, issue and dispose of notes, scrip, or certificates of debt, in the manner prescribed in the preceding section, to meet all payments of interest which may accrue upon any scrip by them issued; *provided, however*, that no scrip shall be issued for the payment of interest as aforesaid, after the expiration of two years from the completion of said aqueducts and other works; but payment of all interest that shall accrue after that time, shall be made from the net income, rents, and receipts for the use of the water, if they shall be sufficient for that purpose; and if not, then the payment of

Provided, &c.

the deficiency shall be otherwise provided for by the city council. All notes, scrip, and certificates of debt to be issued as aforesaid, shall be signed by the treasurer and auditor, and countersigned by the mayor of the said city, and a record of all such notes, scrip, and certificates shall be made and kept by the said treasurer and auditor respectively.

Form of scrip.

Records of the same.

SECTION 11. The city council shall, from time to time, regulate the price or rents for the use of the water, with a view to the payment, from the net income, rents and receipts therefor, not only of the semi-annual interest, but ultimately of the principal also of the "Boston Water Scrip," so far as the same may be practicable and reasonable. And the said net surplus income, rents and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and shall be appropriated for and towards the payment of the principal and interest of the said scrip; and shall, under the management, control, and direction of the mayor, treasurer, and auditor of the city, or the major part of them for the time being, who shall be trustees of the said fund, be applied solely to the use and purpose aforesaid, until the said scrip shall be fully paid and discharged. And the said trustees shall, whenever thereto required by the city council, render a just, true, and full account to the said city council, of all their receipts, payments, and doings under the provisions of this section.

City council to regulate the price of water.

Appropriation of proceeds of water rents.

SECTION 12. At any time after the expiration of two years, from the completion of the works mentioned in the second section of this act, and before the reimbursement of the principal of the "Boston Water Scrip" herein before mentioned, if the surplus income and receipts for the use of the water distributed under the provisions of this act, at the price established by the city council, after deducting all expenses and charges of distribution, shall, for any two successive years, be insufficient to pay the accruing interest on the said scrip, then the supreme judicial court, on the petition of one hundred or more of the legal voters of the said city, praying that the said price may be raised and increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts, the said accruing interest, and upon due notice of the pendency of such petition given to the said city in such manner as the said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase the said price, if they shall judge proper, so far as may be necessary, in their judgment, for the purpose aforesaid, and no farther. And the award of said commissioners, or the major part of them, being returned to the said court, at the then next term thereof for the county of Suffolk, and ac-

Proceedings for increase of water rents.

cepted by the said court, shall be binding and conclusive, for the term of three years next after the said acceptance, and until the price so fixed by the commissioners shall, after the expiration of said term, be changed or altered by the city council.

Proceedings for
reduction of
water rents.

SECTION 13. If the surplus income and receipts for the use of the water, distributed under the provisions of this act, at the price established by the city council, after deducting all expenses and charges of distribution, shall, for any two successive years, be more than sufficient to pay the accruing interest on the "Boston Water Scrip" herein before mentioned, then the supreme judicial court, on the petition of one hundred or more of the legal voters of the said city, who may deem the said price unreasonably high, and pray for a reduction thereof; and upon due notice of the pendency of said petition given to the said city in such manner as the said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may, if they shall judge proper, reduce the price established by the city council; *provided*, that such reduction shall not be so great that the surplus income and receipts aforesaid, will, in the judgment of the said commissioners, be thereafter insufficient for the payment of the said accruing interest. And the award of the said commissioners, or the major part of them, being returned and accepted as mentioned in the preceding section, shall be binding and conclusive, in the same manner, and to the same extent, as therein provided in regard to awards made pursuant to the provisions of that section.

Costs on petitions.

And the said court may, at their discretion, order the costs on such petitions as are mentioned in this and the preceding section, and of the proceedings thereon, or any part thereof, to be paid by either of the said parties, and may enter judgment and issue execution therefor accordingly.

Owner and occupant both liable for price of water, &c.

SECTION 14. The occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water, either within or without the city, without the consent of the city, an action of trespass on the case may be maintained against him or them, by the said city, for the recovery of damages therefor: *provided, however*, that this act shall not be so construed as to prevent the inhabitants of Natick, Framingham, Sherburne, and Wayland, from using so much of the water hereby granted as shall be necessary for extinguishing fires and for all ordinary household purposes, under such regulations of the said city council as may be essential for the preservation of the purity of the same.

Provided, &c.

SECTION 15. If any person or persons shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, streams or water sources, which shall be taken by the city pursuant to the provisions of this act, or shall corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city, by the authority and for the purposes of this act; every such person or persons shall forfeit and pay, to the said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, moreover, on indictment and conviction of either of the wanton and malicious acts aforesaid, be punished by fine, not exceeding one thousand dollars, and imprisonment not exceeding one year.

Penalty for diverting or corrupting water.

SECTION 16. The said city of Boston is hereby authorized to purchase and hold all the property, estates, rights and privileges of the Aqueduct Corporation, incorporated by an act passed February 27th, in the year one thousand seven hundred and ninety-five, and by any convenient mode may connect the same with their other works.

City may purchase property, &c., of the Jamaica Pond Aqueduct Corporation, &c.

SECTION 17. The mayor and aldermen of the city of Boston shall notify and warn the legal voters of the said city, to meet in their respective wards, on such day as the said mayor and aldermen shall direct, not exceeding thirty days from and after the passing of this act, for the purpose of giving their written votes upon the question, whether they will accept the same; and if a majority of the votes so given upon the question aforesaid, shall be in the negative, this act shall be null and void.

Act to be void if not accepted by majority of voters in wards within 30 days.

SECTION 18. This act shall take effect from and after its passage. [*Approved by the Governor, March 30, 1846.*]

When to take effect.

An Act in addition to "An Act for the Relief of Insolvent Debtors, and for the more equal Distribution of their Effects."

Chap 168.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Every judge of probate or master in chancery, in their respective counties, before whom any matter may be pending in relation to any insolvent estate under the act for the relief of insolvent debtors, and for a more equal distribution of their effects, passed in the year one thousand eight hundred and thirty-eight, chapter one hundred and sixty-three, upon complaint made under oath, by any person interested in said estate, against any one suspected of having fraudulently received, concealed, embezzled, or conveyed away any of the money, goods, effects, or other estate of such insolvent, may cite such suspected person to appear before him, and to be examined on oath,

Persons charged, &c., with concealment, &c., of property of insolvent debtors, to be examined on oath by judges of probate, or masters in chancery,

to be committed, &c.
if they refuse, &c.

Interrogatories to be in writing and signed, &c.

Repeal of provisions.

Provided, &c.

Judges and masters to make returns, &c., to the Secretary.

Secretary to enter the same, &c.

Judges and masters to order assignees to give written notice, &c., to creditors, &c.

When to take effect.

upon the matter of such complaint; and if the person so cited shall refuse to appear and submit to such examination, or to answer such interrogatories as shall be lawfully propounded to him, the said judge or master may commit him to the common jail of the county, there to remain in close custody, until he shall submit to the order of said court or master; and all such interrogatories and answers shall be in writing, and shall be signed by the party examined, and filed in such probate court or with such master, to be used in any proceeding before such court or master, pending against said insolvent, or in any way or manner authorized by law.

SECTION 2. The first, second and sixteenth sections of the act in further addition to the several acts, for the relief of insolvent debtors, and the more equal distribution of their effects, passed in the year one thousand eight hundred and forty-four, chapter one hundred and seventy-eight, are hereby repealed: *provided*, that nothing in this act contained shall affect the proceedings at any meetings of creditors, or other meetings, already called: and *provided, further*, that in case of the absence of the master in chancery or judge of probate, at any meeting, such meeting may be adjourned by the clerk.

SECTION 3. The several judges of probate and masters in chancery, in the Commonwealth, shall, on or before the tenth day of each and every month, make returns to the Secretary of the Commonwealth, containing the names of the persons who, during the next preceding month, have petitioned or been proceeded against, before him, as insolvent debtors, under the act of the year eighteen hundred and thirty-eight, chapter one hundred and sixty-three, and the acts in addition thereto since enacted; also the residence and occupation of such persons, with the date when such proceedings were commenced by or against them. And it shall be the duty of the Secretary to enter the same in a book, convenient for reference, which shall be open to the inspection of the public.

SECTION 4. It shall be the duty of judges of probate and masters in chancery to order the assignee to give written notice, by mail or otherwise, of all meetings of creditors of insolvent debtors, and of all dividends, in cases pending before them, to all known creditors of such insolvent debtors.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 30, 1846.*]

An Act to authorize Robert G. Shaw, and others, to extend their Wharves situate in that part of Boston called East Boston.

Chap 169.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Robert G. Shaw, William H. Sumner, and Samuel S. Lewis, proprietors of the British Steam ship Wharves, situate in that part of Boston known as East Boston, and lying between and adjoining the land and wharves of the Eastern Rail-road Company; and Locke and Wheeler, are hereby authorized to extend and maintain their wharves, into the harbor channel, as far as the line established by the act, entitled, "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the ends and sides of said wharves, and receive wharfage and dockage therefor: *provided*, that so much of said wharves as may be constructed below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 31, 1846.*]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act in addition to "An Act regulating the Inspection of Pickled Fish"

Chap 170.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. From and after the passing of this act, there shall be four numbers of mackerel:—Those of the best quality, not mutilated, measuring not less than thirteen inches from the extremity of the head to the crotch, or fork of the tail, free from rust, taint or damage, shall be branded number one. The next best quality, being not less than eleven inches, measuring, as aforesaid, free from rust, taint or damage, shall be branded number two. Those that remain after the above selections, if free from taint or damage, and not less than thirteen inches, measuring as aforesaid, shall be branded number three, large. Those of the next inferior quality, free from taint or damage, not less than ten inches in length, as aforesaid, shall be branded number three. All other mackerel, free from taint or damage, shall be branded number four.

Number, measure and quality of four kinds of mackerel.

SECTION 2. The inspector general shall not have any interest, directly or indirectly, in the cure or packing of any pickled fish, except so far as a faithful performance of his duty requires.

Inspector general to have no private interests, &c. in pickled fish.

SECTION 3. The act in addition to an act, regulating the inspection of pickled fish, being the one hundred and fifty-

Repeal of previous provisions.

fourth chapter of the statutes of the year one thousand eight hundred and thirty-six; the act concerning the manufacture of barrels for packing pickled fish, being the forty-second chapter of the statutes of the year one thousand eight hundred and forty-four, and also so much of the seventy-third section of the twenty-eighth chapter of the Revised Statutes, as is inconsistent with this act, are hereby repealed. [Approved by the Governor, March 31, 1846.]

Chap 171. An Act concerning Larceny by Bank Officers and Persons employed in Banks.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Officers and others employed in banks, fraudulently taking bullion, &c. to be deemed guilty of larceny, and punished by imprisonment, &c. or fine and imprisonment, &c.

SECTION 1. If any officer of an incorporated bank, or any person in the employment of such bank, shall fraudulently convert to his own use, or fraudulently take and secrete, with intent to convert to his own use, any bullion, money, note, bill, or other security for money, belonging to, and in possession of such bank, or belonging to any person and deposited therein, he shall, whether intrusted with the custody thereof or not, be deemed thereby to have committed the crime of larceny in said bank, and shall be punished by imprisonment in the State Prison not more than ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not more than two years.

Form of indictment.

SECTION 2. In any prosecution for either of the offences mentioned and described in the first section of this act, it shall be sufficient to allege generally, in the indictment, the fraudulent conversion or taking, with such intent, of money to a certain amount, without specifying the particulars of that amount; and, on the trial, evidence may be given of any such fraudulent conversion or taking, with such intent, committed within six months, next after the time stated in the indictment, and it shall be sufficient to maintain the charge in the indictment, and shall not be deemed a variance, if it shall be proved that any bullion, money, note, bill or other security for money belonging to, and in possession of such bank, or belonging to any person and deposited in such bank, of whatever amount, was fraudulently converted or taken with such intent, as is set forth in said first section, within the said period of six months.

Evidence of taking, &c.

SECTION 3. In any prosecution for the offences mentioned and described in the first section of this act, the fraudulent taking or receiving, by any person or persons, of any bullion, money, note, bill, or other security for money belonging to such bank, by reason of any unlawful confederacy or agreement of him or them, with an officer of said bank, or any person in the employment thereof, with intent to defraud the same, shall be held and deemed to be a fraudulent

Taking by accomplice to be deemed to be taking by officer, &c.

taking by such officer or person in the employment of such bank, to his own use, within the meaning of the first section of this act; and it shall not be necessary on the trial, to identify the particular bullion, money, note, bill or security for money so taken or received. [*Approved by the Governor, March 31, 1846.*]

An Act to incorporate the Pilgrim Congregational Society in Boston.

Chap 172.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John A. Cummings, David Thayer, Carmi E. King, their associates and successors, are hereby made a corporation, by the name of The Pilgrim Congregational Society in Boston, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same are applicable to this case.

Persons incorporated in Boston.

SECTION 2. Said corporation may hold real and personal estate, exclusive of their meeting-house and land necessary for the accommodation of the same, to an amount not exceeding twenty thousand dollars, the whole of which shall be applied towards the support of public worship, and other parochial purposes.

Estate, exclusive, &c. not to exceed \$20,000, to be applied to parochial purposes.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1846.*]

When to take effect.

An Act to incorporate the Middlesex Iron Company.

Chap 173.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. James Fullerton, George Odiorne, Jonathan Robinson, their associates and successors, are hereby made a corporation, by the name of the Middlesex Iron Company, for the purpose of manufacturing nails and iron in its various forms, in the towns of Malden, county of Middlesex, and of Plymouth, county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture nails and iron in Malden and Plymouth.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount eighty thousand dollars.

Estate not to exceed \$80,000.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 4, 1846.*]

When to take effect.

Chap 174. An Act explanatory of "An Act to authorize Benjamin Lamson to extend his Wharves."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Not requisite to build on piles, except below low water mark.

The act entitled "An Act to authorize Benjamin Lamson to extend his Wharves," passed on the twenty-eighth day of February, in the year one thousand eight hundred and forty-six, shall not be so construed as to require the said Benjamin Lamson to build any part of his said wharves upon piles, excepting such parts thereof as may be extended below low water mark. [Approved by the Governor, April 4, 1846.]

Chap 175.

An Act to incorporate the Ashland Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture cotton and woollen goods and machinery in Ashland.

SECTION 1. Joseph Wood, William B. Wood, Albert Wood, their associates and successors, are hereby made a corporation, by the name of the Ashland Manufacturing Company, for the purpose of manufacturing cotton and woollen goods and machinery, in the town of Ashland, county of Middlesex, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$200,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company shall not exceed the sum of two hundred thousand dollars. [Approved by the Governor, April 4, 1846.]

Chap 176.

An Act to incorporate the Plymouth Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture iron, &c. in Plymouth.

SECTION 1. Jeremiah Farris, Joseph Allen, Oliver Edes, their associates and successors, are hereby made a corporation, by the name of the Plymouth Mills, for the purpose of manufacturing iron, steel, copper and machinery, in the town of Plymouth, county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$35,000, and capital stock \$75,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value thirty-five thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars. [Approved by the Governor, April 4, 1846.]

An Act to increase the Capital Stock of the Boston and Worcester Rail-road Corporation.

Chap 177.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston and Worcester Rail-road Corporation are hereby authorized and empowered to increase their capital stock, by the creation of an additional number of shares, to be assessed to the same amount as the shares which are already created by their act of incorporation, and the acts in addition thereto; *provided*, that the additional number of shares so to be created, shall not exceed five thousand. [Approved by the Governor, April 4, 1846.]

Capital stock may be increased by creating 5,000 new shares.

An Act to increase the Capital Stock of the Old Colony Rail-road Corporation.

Chap 178.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Old Colony Rail-road Corporation are hereby authorized to increase their capital stock, by creating an additional number of shares, not exceeding five thousand, of one hundred dollars each, for the purpose of completing their road and building a second track on such part of said road, as the corporation may deem necessary.

Capital stock may be increased by creating 5,000 new shares of \$100 for the purpose, &c.

SECTION 2. Said additional shares shall be disposed of in such manner as said corporation shall determine, and be assessed as the directors shall deem expedient.

How to be disposed of and assessed.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 6, 1846.]

When to take effect.

An Act to incorporate the Barton Manufacturing Company.

Chap 179.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Stephen Barton, Alexander De Witt, Emory Sanford, their associates and successors, are hereby made a corporation, by the name of the Barton Manufacturing Company, for the purpose of manufacturing cotton and woollen goods and machinery, in the town of Oxford, county of Worcester; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton and woollen goods and machinery in Oxford.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, April 6, 1846.]

Real estate not to exceed \$50,000, and capital stock \$100,000.

Chap 180. An Act to revive an "Act establishing the Salisbury Branch Rail-road Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act of 1844,
chap. 109, con-
tinued in force,
with the excep-
tion of time for
completion, &c.

SECTION 1. An act entitled "An Act to establish the Salisbury Branch Rail-road Company," passed the fifteenth day of March, in the year one thousand eight hundred and forty-four, is hereby revived and continued in full force, except the third section thereof.

Time for loca-
tion and com-
pletion of road.

SECTION 2. If the said company shall not file their location, and complete the grading of said road, on or before the first day of January next, then this act shall be null and void. [Approved by the Governor, April 6, 1846.]

Chap 181. An Act authorizing the Heirs of Ward Jackson to extend a Wharf in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf, in Bos-
ton, may be ex-
tended to the
line, &c.

The heirs of Ward Jackson, late of Boston, deceased, are hereby authorized to extend and maintain their wharf on Grove street, in the city of Boston, as far as the line established as the commissioners' line, by the act entitled "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and to lay vessels at the end and sides of their said wharf, extended as aforesaid, and receive dockage and wharfage therefor, but not to injure or interfere with the legal rights or the property of any other person or persons: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line; *and provided further,* that so much of said wharf as shall be erected below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction. [Approved by the Governor, April 6, 1846.]

Provided, &c.

Chap 182.

An Act to authorize William S. Fearing to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be
built in Ware-
ham, &c.

William S. Fearing is hereby authorized to build and maintain a wharf from land owned by him in the town of Wareham, at a place called The Narrows, commencing at a point opposite Tim's Island, so called, and to extend said wharf in an easterly direction down stream, not more than

five hundred feet, and in a south-westerly direction to the channel of the river: *provided*, said wharf shall not be extended so far into the channel of the river as to impede the navigation thereof; and shall have the right to lay vessels at said wharf, and receive dockage and wharfage therefor, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, April 6, 1846.*]

An Act authorizing Robert G. Shaw and Eliza W. Shaw to extend their Wharf in Boston. Chap 183.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Robert G. Shaw and Eliza W. Shaw, his wife, are hereby authorized to extend and maintain their wharf, adjoining the northerly side of Cambridge Street and Cambridge Bridge, in the city of Boston, as far as the line established as the Commissioners' line, by the act entitled "An Act to preserve the Harbor of Boston and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and to lay vessels at the end and sides of their said wharf, extended as aforesaid, and receive dockage and wharfage therefor; but not to injure or interfere with the legal rights or the property of any other person or persons: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said Commissioners' line; and *provided also*, that so much of said wharf as shall be erected below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction. [*Approved by the Governor, April 6, 1846.*]

An Act in further addition to "An Act incorporating the Proprietors of the Meeting-house in Hollis Street, in Boston." Chap 184.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The proprietors of the meeting-house in Hollis street, in Boston, are hereby authorized to cause the pews in their meeting-house to be conveyed by deeds, signed and sealed by their treasurer, and countersigned by their clerk.

SECTION 2. Any provision in the act to which this is in addition, which is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 6, 1846.*]

Provided, &c.

Wharf in Boston may be extended to the line, &c.

Provided, &c.

Pews may be conveyed by treasurer by deed, &c.

Repeal of inconsistent provisions.

When to take effect.

Chap 185.

An ACT to incorporate the Hanover Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. John Cushing, George Curtis and John Sylvester, their associates and successors, are hereby made a corporation, by the name of the Hanover Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes relating to rail-road corporations, and the public statutes which have been or may be passed, relating to such corporations.

Location of
road.

SECTION 2. Said company is hereby authorized to construct and maintain a rail-road, extending from some point near the Four Corners, in Hanover, through parts of Hanover and Abington, to some convenient point of intersection with the Old Colony Rail-road in Abington.

Capital stock
not to exceed
\$125,000, in
shares of \$100.

SECTION 3. The capital stock of said company shall consist of not more than twelve hundred and fifty shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors thereof; and the said company may take, purchase, and hold such real estate, on the line of said rail-road, and may purchase and hold such cars, engines, and other personal property, as may be necessary and convenient for the purposes of the rail-road.

Time for lo-
cating and com-
pleting the road.

SECTION 4. If the location of said rail-road shall not be filed within one year, and said rail-road be not constructed within three years from the passage of this act, then the same shall be void.

May enter upon
and use the Old
Colony Rail-
road.

SECTION 5. The said Hanover Branch Rail-road Company may also enter upon and unite their rail-road, by proper turnouts and switches, with the Old Colony Rail-road at the point of intersection aforesaid, and use the same, or any part thereof.

The Legislature
may authorize
its use by any
other company.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon, and use the said Hanover Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Hanover Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

May transfer
property, &c.,
to Old Colony
Rail road Cor-
poration.

SECTION 7. The corporation hereby established, is authorized to transfer all its property, rights, privileges and franchise, under this charter, to the Old Colony Rail-road Corporation, or its successors, whenever said last named corporation, or its successors, shall elect to receive and hold the same, in such manner and upon such terms as shall be mutually agreed upon; and, upon such transfer,

said Old Colony Rail-road Corporation shall enjoy and be invested with all the powers, privileges and franchise, hereby granted, and shall be subject to all the restrictions and liabilities hereby imposed. [*Approved by the Governor, April 6, 1846.*]

An Act to incorporate the Merchants and Farmers Mutual Fire Insurance Company.

Chap 186.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Frederic Wm. Paine, Isaac Davis, and Frederic W. Gale of Worcester, in the county of Worcester, their associates and successors, are hereby made a corporation, by the name of the Merchants and Farmers Mutual Fire Insurance Company, in the town of Worcester, in the county of Worcester, for the term of twenty-eight years, for the purpose of insuring buildings within the State of Massachusetts, stock in trade, and all other kinds of personal property, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, April 6, 1846.*]

Persons incorporated in Worcester, to insure fire risks in Massachusetts for 28 years.

An Act authorizing George Parkman to extend a Wharf in Boston.

Chap 187.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

George Parkman is hereby authorized to extend and maintain his wharf on North Grove Street, in the city of Boston, as far as the line established as the commissioners' line, by the act entitled "An Act to preserve the Harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and to lay vessels at the end and sides of his said wharf, extended as aforesaid, and receive dockage and wharfage therefor, but not to injure or interfere with the legal rights or the property of any other person or persons : *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line. And *provided, also,* that so much of said wharf as shall be erected below low water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction. [*Approved by the Governor, April 6, 1846.*]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

Chap 188.

An Act to incorporate the Boston Oil Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
white lead, oil,
&c., in East
Boston.

Estate not to
exceed
\$200,000.

SECTION 1. Israel Lombard, Charles O. Whitmore, Noah Sturtevant, their associates and successors, are hereby made a corporation, by the name of the Boston Oil Company, for the purpose of manufacturing white lead, oil, and other articles appertaining thereto, in that part of the city of Boston known as East Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars. [Approved by the Governor, April 6, 1846.]

Chap 189.

An Act to incorporate the Conant Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
silk, cotton and
woollen goods
in Northamp-
ton.

Estate not to
exceed \$50,000.

SECTION 1. Joseph Conant, J. H. Holland, G. E. Conant, their associates and successors, are hereby made a corporation, by the name of the Conant Manufacturing Company, for the purpose of manufacturing silk, cotton and woollen goods, in the town of Northampton, county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, April 6, 1846.]

Chap 190.

An Act to repeal "An Act providing for the appointment of a Board of Rail-road Commissioners."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of Act
of 1845, chap.
252.

The act entitled "An Act providing for the appointment of a Board of Rail-road Commissioners," chapter two hundred and fifty-two, in the year eighteen hundred and forty-five, is hereby repealed. [Approved by the Governor, April 6, 1846.]

An Act regulating the Rates of Toll at Chelsea Bridge.

Chap 191.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Salem Turnpike and Chelsea Bridge Corporation, are hereby authorized, from and after the first day of May next, to demand and receive, at Chelsea Bridge over Mystic River, the following rates of toll instead of the rates of toll heretofore established, to wit: for each foot passenger, one cent; for each horse and rider, four cents; for each cart, farm or market wagon, truck or sled, drawn by one beast, five cents; for each additional beast, four cents; for each horse and chaise, chair, sulky, cab, sleigh, buggy, or other pleasure wagon, six cents; for each coach, carryall, omnibus or other pleasure vehicle, drawn by two horses, fifteen cents; by more than two horses, twenty cents; for each drift horse and neat cattle, two cents; for sheep and swine, six cents per dozen; one person, and no more, to pass with each team free of toll. [Approved by the Governor, April 6, 1846.]

Tolls authorized to be received after May 1, 1846.

An Act to repeal the Laws regulating the Fishery in Merrimack River.

Chap 192.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the passing of this act, the several laws regulating the fisheries in Merrimack River, are hereby repealed; except so much of said laws, as relate to any sluice or passage way, dams or other obstruction to the free passage of fish up and down said river, and said repeal shall in no wise affect any legal rights that may have accrued under said laws. [Approved by the Governor, April 7, 1846.]

Repeal of previous acts, excepting, &c.

An Act to alter the Times of holding the Terms of the Court of Common Pleas for the County of Hampshire.

Chap 193.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. That portion of the fortieth section of the eighty-second chapter of the Revised Statutes, which provides that the court of common pleas, within and for the county of Hampshire, shall be held on the fourth Monday of March and the third Mondays of August and November, is hereby repealed.

Discontinuance of March, August and November terms.

SECTION 2. There shall be a term of the court of common pleas within and for the county of Hampshire, on the third Monday of February, the first Monday of June, and the third Monday of October, annually.

Court of Common Pleas in Hampshire county, when to be held.

SECTION 3. All writs, recognizances, continuances or other proceedings, civil or criminal, returnable, or having reference to the third Monday of August next, shall be returned

Writs, &c. having reference to August, to be returned, &c. in June.

to, have day in, and be proceeded upon, at said term hereby established, on the first Monday of June next.

When to take effect.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1846.*]

Chap 194.

An Act to incorporate the Cape Cod Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. John Reed, William Bates, Clark Hoxie, Joshua B. Tobey, Thomas J. Coggeshall, Nathan B. Gibbs, Sylvanus Bourne, Howard Perry, and Minor S. Lincoln, their associates and successors, are hereby made a corporation, by the name of the Cape Cod Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all statutes which have been, or shall be hereafter passed, relating to rail-road corporations.

Location of road.

SECTION 2. Said company may construct a rail-road from some point in the rail-road of the United Corporation of the Middleborough Rail-road Corporation with the Fall River Rail-road Company, and the Randolph and Bridgewater Rail-road Corporation, or by whatever name the same shall be known, near the Four Corners in Middleborough, in the county of Plymouth; thence in a nearly direct line through Middleborough, a corner of Rochester and the westerly part of Wareham, to a point near the Tremont Iron Works; thence to a point between the iron works of J. B. Tobey and Company, and Burbank's Hotel; thence to a point near the Parker Lower Mills; thence to a point near the iron works of S. T. Tisdale, in said Wareham; thence in a nearly direct line through the easterly part of Wareham, crossing the water between Cohasset Narrows and the head of the bay, to a point a few rods south of the house of Benjamin Bourne, in Sandwich, in the county of Barnstable; thence crossing Monument River above the lower bridge, and following the valley of said river to a point near a grave yard, and north of the same; thence to a point near Atherton's Tavern in Scusset village; thence to a point near the glass works in Sandwich aforesaid.

Capital stock not to exceed \$500,000, in shares of \$100.

SECTION 3. The capital stock of the corporation hereby established, shall consist of not more than five thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and said corporation may take, purchase, and hold such real estate, and may purchase and hold such engines, cars, and other things, as may

be necessary for the use of said rail-road, and for the transportation of passengers, goods and merchandise.

SECTION 4. The company hereby established shall provide and maintain, on each of their bridges across the Narrows at Wareham, and the waters near Cohasset Narrows, a draw of size sufficient to accommodate all classes of vessels navigating said waters, and shall provide such draws with suitable piers, and shall be held liable to open said draws whenever required, so as to furnish reasonable accommodation for such vessels having occasion to pass the same.

Shall maintain draws on bridges, &c.

SECTION 5. Said company may construct a branch not exceeding one mile and an half in length, to connect with the wharves at or near the Narrows, so called, in said Wareham.

May construct branch.

SECTION 6. The company hereby established may also enter upon, and unite their rail-road, by proper turnouts and switches, with the rail-road of said United Corporations, at some convenient place in said Middleborough, and use such last named rail-road or any part thereof.

May enter upon and use the road of said united corporations.

SECTION 7. The Legislature may authorize any company to enter with another rail-road upon and use the said Cape Cod Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Cape Cod Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may authorize its use by any other company.

SECTION 8. The Legislature may, after the expiration of four years, from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said rail-road; but the said tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum, upon the investment of said company.

The Legislature may reduce the tolls, &c., after 4 years;

Provided, &c.

SECTION 9. If the location of said rail-road be not filed within one year, and if the corporation shall not complete their rail-road as provided for in the second section of this act, with at least one track, within two years from the passage of this act, then the same shall be null and void.

Time for locating and completing road.

SECTION 10. The company hereby established by a vote of its stockholders, at a meeting called for that purpose, may unite with said united corporations: *provided*, the stockholders of the said united corporations shall, at a meeting called for that purpose, agree to the same; and when such union shall have been made, said corporations so united shall have, possess and hold all the property, rights, privileges and franchises, and be subject to all the duties, restrictions and liabilities, which the corporations so united had enjoyed, and been subject to, under their respective charters, and shall assume such name as shall be hereafter borne by the united corporations, with which the corporation hereby established is empowered to unite. [Approved by the Governor, April 8, 1846.]

May unite with said united corporations.

Provided, &c.

Chap 195.

An Act concerning the Collection of Taxes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Stock in corporations, &c., may be seized, &c., to pay taxes.

SECTION 1. Any share or interest of any stockholder in any corporation that is or may be incorporated under the authority of this Commonwealth, may be seized and sold for the neglect or refusal of such stockholder to pay his taxes.

Process for making seizure.

SECTION 2. Such seizure may be made by leaving with any officer of said corporation, with whom a copy of a writ may by law be left when the share of a stockholder is attached on mesne process, an attested copy of the warrant, with a certificate thereon, under the hand of the collector, setting forth the sum which such stockholder is to pay as his tax, and that, upon his neglect or refusal to pay said tax, he has seized said share or interest.

Sale of stocks.

SECTION 3. The sale of such share or interest shall be made in the manner and subject to the rules prescribed by law for the sale of goods by collectors of taxes in like cases.

Officers of corporations to give certificates, &c.

SECTION 4. The provisions of the thirty-ninth and fortieth sections of the ninety-seventh chapter of the Revised Statutes, respecting sales on execution, shall apply to sales made under the provisions of this act. [*Approved by the Governor, April 8, 1846.*]

Chap 196.

An Act concerning the Police Court of New Bedford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of act of 1843, chap. 79.

SECTION 1. The seventy-ninth chapter of the acts of the year one thousand eight hundred and forty-three, entitled "An Act concerning the Police Court of New Bedford," is hereby repealed.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1846.*]

Chap 197.

An Act concerning Marriage and Divorce.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Libel for annulling marriage may be filed by leave of court, &c.

Whenever a marriage is supposed to be void or the validity thereof is doubted for any cause, other than those enumerated in the first and second sections of the seventy-sixth chapter of the Revised Statutes, and good cause for such supposition or doubt shall be made to appear upon the examination of the party applying for relief, or upon other evidence exhibited to the court having jurisdiction in cases of divorce; the party so applying may, by leave of such court,

file a libel for annulling the same; and the same proceedings shall be had thereupon as are provided in said chapter, and by any laws now existing or that may hereafter be enacted touching divorce, for the causes mentioned in said sections, and upon due proof of the nullity of the marriage, it shall be declared void by sentence of divorce or nullity. [Approved by the Governor, April 8, 1846.]

Proceedings to be had thereon.

An Act concerning Proceedings in Criminal Cases.

Chap 198.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No complaint or indictment against any person for any misdemeanor shall hereafter be stayed, or any recognizance taken, or any commitment made in such case, be discharged or superseded under the provisions of the twenty-fifth and twenty-sixth sections of the one hundred and thirty-fifth chapter, or the twenty-seventh section of the one hundred and thirty-sixth chapter of the Revised Statutes, if the offence charged in said complaint or indictment, shall be punishable by imprisonment in the state prison. [Approved by the Governor, April 8, 1846.]

Complaints, &c., not to be discharged, &c., where offence is punishable by confinement in the State Prison.

An Act concerning Usury.

Chap 199.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever, in any action brought on any contract, or assurance for the payment of money, hereafter made, it shall appear that a greater rate of interest has been directly or indirectly reserved, taken or received, than is allowed by law, the defendant shall recover his full costs, and the plaintiff shall forfeit threefold the amount of the interest, unlawfully reserved or taken, and no more.

Penalty for usury.

SECTION 2. Whenever a greater rate of interest than is allowed by law, shall hereafter be paid, the party paying the same, may recover back threefold the amount of the unlawful interest so paid and no more.

Party paying unlawful interest may recover, &c.

SECTION 3. So much of the second and third sections of the thirty-fifth chapter of the Revised Statutes, as is inconsistent with this act, is hereby repealed. [Approved by the Governor, April 8, 1846.]

Repeal of inconsistent provisions.

An Act for the suppression of Horse Racing.

Chap 200.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. All racing, running, trotting or pacing of any horse or other animal of the horse kind, for any bet or wager of money or other valuable thing, or for any purse or stake,

Racing, &c., declared unlawful.

made, within this Commonwealth, is hereby declared to be unlawful.

Racing, &c., for a wager, &c., to be punished by a fine not exceeding \$1000, or by imprisonment not exceeding one year, or by both.

SECTION 2. All persons engaged in such racing, running, trotting or pacing of any horse or such other animal, for any bet or wager of money or other valuable thing or for any purse or stake made within this Commonwealth, and all persons aiding or abetting the same, shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the common jail, not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. [Approved by the Governor, April 8, 1846.]

Chap 201.

An Act to incorporate the Wamsutta Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton, wool
and iron in New
Bedford.

Estate not to
exceed
\$300,000.

SECTION 1. Matthew Luce, Jireh Perry, Thomas S. Hathaway, their associates and successors, are hereby made a corporation, by the name of the Wamsutta Mills, for the purpose of manufacturing cotton, wool and iron, in the town of New Bedford, county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount three hundred thousand dollars. [Approved by the Governor, April 9, 1846.]

Chap 202.

An Act to incorporate the Powow River Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cotton and
woollen goods
in Salisbury.

Real estate not
to exceed
\$30,000, and
capital stock
\$100,000.

When to take
effect.

SECTION 1. Jonathan B. Webster, David Nayson, Timothy P. Morrill, their associates and successors, are hereby made a corporation, by the name of the Powow River Mills, for the purpose of manufacturing cotton and woollen goods, in the town of Salisbury, county of Essex, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of thirty thousand dollars, and the whole capital stock of said company shall not exceed one hundred thousand dollars.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 9, 1846.]

An Act concerning the Dedication of Public Ways, and for other purposes.

Chap 203.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. No way heretofore opened and dedicated to the public use and not already become a public way, and no way hereafter opened and dedicated to the public use, shall become chargeable upon any city or town, unless such ways shall be laid out and established by such city or town, in the manner prescribed by the statutes of this Commonwealth.

Ways opened, &c., not to become chargeable to towns, unless opened, &c., agreeably to statutes.

SECTION 2. It shall be the duty of the mayor and aldermen of each city, and of the selectmen of each town in this Commonwealth, and they are hereby authorized and required, whenever, and so long as the public safety may demand it, to direct and cause the entrances of all the ways aforesaid, entering on and uniting with any existing public way, to be closed up, or, by other sufficient means, to caution the public against entering upon such ways.

Entrances of ways, &c., to be closed, &c., by town officers.

SECTION 3. In case any city or town shall not close up the entrances to the ways aforesaid, or give other sufficient notice that the same are dangerous, such city or town so neglecting, shall be liable for any damages arising from any defects therein, in the same manner as if such ways were duly laid out and established. [*Approved by the Governor, April 9, 1846.*]

In case of neglect so to close, &c., towns to be liable for damages.

An Act to incorporate the Newburyport, Boston and Haverhill Steamboat Company.

Chap 204.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John Porter, John Wood and Micajah Lunt, with their associates and successors, are hereby made a corporation, by the name of the Newburyport, Boston and Haverhill Steamboat Company, with power to build, purchase, hold, convey, hire and employ one or more steamboats, with such apparatus and appendages as may be found necessary for steam navigation and the transportation of merchandise and passengers, between Newburyport and Boston, and in and about the harbor of Newburyport, and on the Merrimack River, for the term of twenty years.

Persons incorporated.

SECTION 2. The capital stock of the said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and for the purposes of such steam navigation, this corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, April 9, 1846.*]

Capital stock not to exceed \$100,000, in shares of \$100.

Chap 205. An Act to authorize Joseph Atkins and Freeman Atkins to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Provincetown may be extended, &c.

Joseph Atkins and Freeman Atkins, are hereby authorized to extend and maintain their wharf into the channel of the harbor of Provincetown, to six feet of water at the lowest tides : and shall have the right to lay vessels at the end and sides of said wharf and receive dockage and wharfage therefor : *provided*, this grant shall not in any manner interfere with the legal rights of any persons whatever. [Approved by the Governor, April 9, 1846.]

Provided, &c.

Chap 206. An Act to repeal in part an Act, entitled "An Act in addition to an Act concerning the Beaches in the town of Chelsea," and for the indemnification of William Tewksbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of part of act of 1845, chap. 117.

SECTION 1. So much of an act passed on the fourteenth day of March, in the year one thousand eight hundred and forty-five, entitled "An Act in addition to an Act, concerning the Beaches of the town of Chelsea," as relates to the beaches in that part of Chelsea called Point Shirley, which are not included in the following limits, is hereby repealed, viz : commencing at the line marked X W on the plan of Point Shirley, as surveyed by Osgood Carleton, the original of which is recorded in the book of partition, number two, in the court of common pleas for the county of Suffolk, so as to include within the limits from which stones, gravel or sand shall not be taken, twenty-seven acres of beach on the north side of Winthrop's Great Head or Green's Hill, so called, and including also the whole of said hill, and the Short Beach, extending therefrom southward as far as to the stake on the north line of William Tewksbury's portion of said "Short Beach."

Allowance of \$500 to William Tewksbury.

SECTION 2. There shall be paid out of the treasury of the Commonwealth to the said William Tewksbury, the sum of five hundred dollars, as an indemnity for the loss suffered by him under the operation of said act, by reason of being unnecessarily debarred from the use of his land, for the purpose, as was intended, of securing the harbor of Boston. [Approved by the Governor, April 9, 1846.]

An Act to authorize Timothy P. Johnson to extend his Wharf.

Chap 207.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Timothy P. Johnson is hereby authorized to extend and maintain his wharf, into the channel of the harbor of Provincetown, to six feet of water at the lowest tides : and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor : *provided* this grant shall not in any manner interfere with the legal rights of any persons whatever. [Approved by the Governor, April 9, 1846.]

Wharf in Provincetown may be extended, &c.

Provided, &c.

An Act to establish the Lowell Academy.

Chap 208.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. James Fenno, Samuel Porter, S. W. Hanks, Sewall G. Mack, their associates and successors, are hereby made a corporation, by the name of the Lowell Academy, to be established in the city of Lowell, in the county of Middlesex, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SECTION 2. Said corporation may hold real estate and personal property to an amount not exceeding twenty-five thousand dollars, exclusive of books and apparatus, to be devoted exclusively to the purposes of education. [Approved by the Governor, April 9, 1846.]

Estate, exclusive of books, &c. not to exceed \$25,000, and to be devoted, &c.

An Act for the Payment of the Wages and Deposites of Married Women.

Chap 209.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. In all cases where married women shall hereafter, by their own labor, earn wages, payment may be made to them for the same.

Wages may be paid to married women.

SECTION 2. The receipt of any married woman for the payment of money, deposited by her, before or after marriage, shall be a valid discharge to any individual or savings bank, or institution for savings, making such payment : *provided*, that nothing in this act contained, shall affect the right of any creditor of the husband of said married woman to attach the same. [Approved by the Governor, April 9, 1846.]

Deposites in Savings Banks may be paid to married women.

Provided, &c.

Chap 210. An Act to incorporate the Proprietors of the Electro-Magnetic Telegraph
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
 porated,
 to construct and
 use telegraph
 lines.

SECTION 1. B. B. Mussey, George W. Bazin, J. M. Thompson, their associates and successors, are hereby made a corporation, by the name of the proprietors of the Electro-Magnetic Telegraph, for the purpose of constructing and using lines of said telegraph under the letters patent granted to Samuel F. B. Morse, under the laws of the United States, within said State of Massachusetts; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Penalty for in-
 juring or de-
 stroying said
 lines.

SECTION 2. Any person who shall wilfully and maliciously injure or destroy the lines of posts, wires or other materials or fixtures employed in or for the construction or use of any line of the Electro-Magnetic Telegraph, erected for use and used in this Commonwealth by said corporation, and all persons who shall aid and assist in the same, shall, on conviction, be punished in the manner provided in the forty-first section of the one hundred and twenty-sixth chapter of the Revised Statutes. [Approved by the Governor, April 10, 1846.]

Chap 211.

An Act concerning Public Administrators.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

District Attor-
 ney to act in
 cases of neglect
 of Public Ad-
 ministrator.

Whenever any public administrator shall neglect to return an inventory of the estate of his intestate, to settle an account of his administration, or to perform any other duty by law incumbent on him, and there shall not appear to be any heirs at law of such intestate, it shall be the duty of the district attorney for the district within which such administrator received his appointment, to prosecute all such suits, and do all such other acts, in behalf of the Commonwealth, as shall be necessary and proper to insure a prompt and faithful administration of such estate, and the payment of the proceeds thereof into the treasury. [Approved by the Governor, April 10, 1846.]

Chap 212.

An Act to incorporate the Chelsea Branch Rail-Road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
 porated.

SECTION 1. Joseph Woodruff, Joshua Norton, Jr., John Rayner, Benjamin Pond, John Lilley, Hiram Pond, Ebenezer W. Stone, George Passarow, their successors and assigns, are hereby made a corporation, by the name of the

Chelsea Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in the public statutes which have been, or may hereafter be passed relating to such corporations.

SECTION 2. Said company is hereby empowered and authorized to locate, construct, and finally complete, a rail-road, with one or more tracks, from some convenient point at or near the Eastern Rail-road, in Chelsea, to a point in said Chelsea nearly opposite, and not less than two hundred, nor more than five hundred, feet north of the Dell, in the Cary Farm; thence on a line curving to the north, crossing the old road to Malden, not less than two hundred feet north of the southwest corner of said Cary farm; thence continuing on said line to the Winnisimmet marsh; thence in a straight line, in such a direction as when produced would strike near the northwest corner of the Richardson marsh, near the dam on Island End River, passing in said direction so as to cross over Malden street, not less than one hundred feet north of the northerly bridge in said street; thence continuing in said straight line, to a point about four hundred feet easterly of said northwest corner of the said Richardson marsh, near said dam on Island End River; thence curving to the north, and running not less than seventy, nor more than one hundred and twenty feet north of said Island End River, not more than eighty feet south of the Boston and Chelsea Iron and Screw Company's factory; thence northerly of said river, to some convenient point of intersection with the Boston and Maine Rail-road, in said Malden, without obstructing the navigation of the main stream of Island End River, below the dam aforesaid.

Location of road.

SECTION 3. The depot of said Chelsea Branch Rail-road Company, at Winnisimmet Village, shall be near or about the centre of the route of said Branch Road through the said marshes, or about midway between where said route crosses the old road to Malden and the dam aforesaid; and no stone, gravel, or other building materials, shall be taken by said Branch Rail-road Company, or its successors, or by any corporation entering said branch road, from Island End Hill in said Malden, nor from the uplands of the Winnisimmet Company, nor from the marshes aforesaid, nor from the Cary Farm, without the consent of the owners of the estates from which the same may be taken, excepting only the land over or upon which said rail-road shall be actually located as aforesaid. And the owners of said Winnisimmet, Richardson, the Sands, and Cary estates, and their grantees or legal representatives, shall have the right to locate, build and maintain continuous streets and ways, connecting their

Location of depot.

Stone, &c. not to be taken without consent of owners.

Owners, &c. may locate, &c. streets, &c.

Provided, &c.

estates divided by said rail-road, and cross and re-cross said track or tracks, over, under, or on a level with the rail-road where it runs through said estates, and where it separates any part of the same from said Island End River, as they shall find most convenient, not obstructing the locomotives and cars running on said track or tracks: *provided, however*, that said Branch Rail-road Company, and its successors, shall not be exempted, by the provisions of this act, from any damages for lands taken from, or damages done to, the landings, streets, passage-ways, lots, or other property of the owners of said Winnisimmet, Richardson, Sands and Cary estates, by the location of said tracks and depot, across or upon their lands, landings, streets, passage-ways, lots, or other property, as aforesaid.

Capital stock not to exceed \$200,000, in shares of \$100.

SECTION 4. The capital stock of said corporation shall consist of not more than two thousand shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors thereof; and the said corporation may take, purchase and hold such real and personal estate, as may be necessary and convenient for the purposes of their incorporation, subject, however, to the provisions contained in this act.

Time for locating and completing road.

SECTION 5. If the location of said Branch Rail-road shall not be filed, according to law, within one year, or if said company shall not complete said Branch Rail-road within three years from the passage of this act, then the same shall be null and void.

The Legislature may reduce tolls and profits, after 5 years.

SECTION 6. The Legislature may, after the expiration of five years from the time when said Branch Rail-road shall be opened for use, from time to time, reduce the rates of toll, or other profits upon said road, but said tolls and other profits upon said rail-road, shall not, without the consent of said company, be so reduced as to produce, with said profits, less than ten per cent. per annum to the stockholders.

Provided, &c.

May enter upon and use the Boston and Maine Rail-road.

SECTION 7. Said Branch Rail-road Company is hereby authorized to enter with their road, upon the Boston and Maine Rail-road, at the point of intersection therewith, mentioned in the second section of this act, and to use the same, or any part thereof, according to the provisions of law in that behalf made and provided.

The Legislature may authorize its use by any other company.

SECTION 8. The Legislature may authorize any company to enter, with any other rail-road, at any point in said Chelsea Branch Rail-road, and to use the same, or any part thereof.

May transfer property, &c. to the Boston and Maine or Eastern Rail-road Company, or both of them.

SECTION 9. The said Branch Rail-road Company is hereby authorized and empowered to transfer all its property, rights, privileges and franchises, under this act, either to the Boston and Maine Rail-road Company, or to the Eastern Rail-road Company, or to both of them, whenever either or both of said last mentioned corporations shall elect to re-

ceive and hold the same in such manner, and on such terms as shall be mutually agreed upon by either or both of said last mentioned corporations and said Chelsea Branch Railroad Company; and upon such transfer, all the powers and privileges hereby granted, shall be vested in either or both of the said companies so purchasing and receiving the same, and its successors. [*Approved by the Governor, April 10, 1846.*]

An Act to incorporate the Massachusetts Teachers' Association.

Chap 213.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Oliver Carlton, Samuel Swan, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Teachers' Association, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and said corporation may hold real and personal estate to the amount of twenty thousand dollars, to be devoted exclusively to the promotion of the interests of education, and the improvement of the qualifications of teachers.

Persons incorporated.

May hold estate amounting to \$20,000, to be devoted, &c.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1846.*]

When to take effect.

An Act to incorporate the City Mutual Fire Insurance Company.

Chap 214.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Aaron D. Williams, Ebenezer Crafts, Alvah Kittredge, their associates and successors, are hereby made a corporation, by the name of the City Mutual Fire Insurance Company, to be established in the city of Roxbury, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property throughout this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of the Commonwealth relating to such corporations. [*Approved by the Governor, April 11, 1846.*]

Persons incorporated to insure fire risks in Roxbury for 28 years, on the mutual principle.

An Act to incorporate the American Nail Company.

Chap 215.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Peter Harvey, John N. Barbour, Ebenezer Rhoades, their associates and successors, are hereby made

Persons incorporated,

to manufacture
nails and spikes
in East Boston.

a corporation, by the name of the American Nail Company, for the purpose of manufacturing nails and spikes in that part of the city of Boston, called East Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$100,000, and
capital stock
\$500,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company, shall not exceed five hundred thousand dollars. [*Approved by the Governor, April 14, 1846.*]

Chap 216. An Act concerning Guardians and Treasurers of Indian Tribes and others.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May be re-
moved by the
Governor and
Council for suf-
ficient cause.

Guardians and treasurers of Indians appointed by the government of the Commonwealth, may be removed by the governor and council, and others appointed in their stead, whenever there may be just occasion for so doing [*Approved by the Governor, April 14, 1846.*]

Chap 217. An Act establishing the Salary of the first Clerk in the Office of the Secretary of the Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salary
to be \$1200
after January 1,
1846, &c.

From and after the first day of January, in the year one thousand eight hundred and forty-six, the first clerk in the office of the secretary of the Commonwealth, shall receive a salary of twelve hundred dollars a year, to be paid quarterly, which said sum shall be in full for all services rendered in said office. [*Approved by the Governor, April 15, 1846.*]

Chap 218. An Act in addition to the several Acts concerning the Militia.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Returns to ad-
jutant general
by officers
commanding
companies, &c.

SECTION 1. The commanding officer of every company raised at large, in addition to the returns now required to be made to the commanding officers of regiments and battalions, shall, within ten days after each of the days of inspection, trainings and review, required by law, make, to the adjutant general, a return of the number of men belonging to his company, that appeared, armed, uniformed and equipped, and performed duty on any such day, together with the number of men belonging to his company

that were absent; it being provided that not more than sixty-four in number, exclusive of musicians, shall be so returned as having done such duty, excepting, in such companies as are allowed a larger number by law, and of musicians not more than four; and it being also provided that the commanding officer of the regiment or battalion to which any company may belong, shall certify that such company did, on the day of regimental field inspection and review, well and faithfully perform all the duties required by law, on such day, in default of which, any such company shall forfeit the pay provided by law for the day aforesaid. *Provided, &c.*

SECTION 2. The commanding officer of every company raised at large, shall, after each of the days of inspection, training, and review required by law, make out an alphabetical roll of the persons, not exceeding sixty-four in number, exclusive of musicians, excepting such companies as are allowed a larger number by law, and of musicians not more than four, that appeared, armed, uniformed and equipped, and performed duty in his company on each of said days, and, within twenty days after the last parade, shall transmit the same, certified, under his oath, to be correct and true, to the adjutant general, it being provided that such roll shall contain the names of those persons only, who have performed the duty required by law, and shall not contain the name of any private who has performed duty as a musician. *Company rolls, &c., to be delivered annually, &c., by officers commanding companies, &c., to adjutant general.*

SECTION 3. The adjutant general shall, within twenty days after the receipt of the last return provided for in the second section, transmit to the mayor and aldermen of any city, and to the selectmen of any town, in which the company armory, or place of assembling the company is situated, the alphabetical roll provided for in the second section, after he shall have carried out, opposite to the name of each man returned, the amount of pay to which such man is, by law, entitled; and this roll shall, before it is so returned, be certified by said adjutant general, to contain the names of those persons only who are entitled to the bounty provided by law; and the mayor and aldermen, and the selectmen aforesaid, shall, thereupon, draw their warrants upon their respective treasurers, directing them to pay the amount due to the persons named in said roll, and shall, on or before the thirty-first day of December, annually, under a penalty of thirty dollars for neglect in so doing, remit said roll to the adjutant general, with a certificate endorsed thereon, setting forth that a warrant has by them been drawn on their respective treasurers, in favor of the several persons whose names are recorded in said roll. *Provided, &c.*

SECTION 4. The adjutant general shall, on or before the fifteenth day of January, ascertain, from the returns made *Returns of same rolls by adjutant general to towns, after certifying.*

Warrants to be drawn, &c., on town treasurers, and rolls to be returned to adjutant general.

Amount necessary to reimburse towns to

be ascertained and reported by adjutant general, &c.

Rolls of field and staff officers, &c., to be delivered by commanders of regiments and battalions, to officers commanding brigades, and by commanders of brigades to commanders of divisions, and by commanders of divisions to the adjutant general, &c.

Pay of officers.

Penalty for false returns by commanding officers.

to him, the amount of money which will be necessary to reimburse the several towns and cities, and submit the same to the governor of the Commonwealth, who is hereby authorized to draw his warrant on the treasurer of the Commonwealth, for the repayment of the sum advanced.

SECTION 5. The commanding officer of each regiment and battalion of the militia of the Commonwealth, shall, annually, within ten days after the autumnal inspection and review, make to the commanding officer of the brigade to which such regiment or battalion belongs, a certified roll of the names of the field and staff officers belonging to such regiment or battalion, specifying the rank of each who appeared, armed, uniformed and equipped, and performed duty on said day. And the commanding officer of each brigade shall, on or before the tenth day of November, annually, make to the commanding officer of the division to which such brigade belongs, a certified roll of the names of all such field and staff officers within his brigade, specifying the rank of each, as have appeared, armed, uniformed and equipped, and performed duty at the brigade, regimental, or battalion inspection and review. And the commanding officer of each division shall, on or before the first day of December, annually, make to the adjutant general a certified roll of all the field and staff officers within his division, specifying the rank of each, who have appeared, armed, uniformed and equipped, and performed duty on the days of such autumnal inspection and review. And each and every commissioned officer who shall be so returned, shall be entitled to receive the sum of six dollars; and each and every non-commissioned officer who shall be so returned, shall be entitled to receive the sum of three dollars.

SECTION 6. Any commanding officer of a regiment, battalion, brigade or division, who shall make to the adjutant general a false return of the names of field and staff officers belonging respectively to his regiment, battalion, brigade or division, as having appeared, armed, uniformed and equipped, and as having done duty, or who shall include in such roll the name of any person who has not personally appeared, armed, uniformed and equipped, and performed duty as aforesaid, or the name of any person who has been excused for absence or non-performance of such duty, shall be deemed to have been guilty of a misdemeanor, and may be prosecuted therefor by indictment in the municipal court of the city of Boston, if living in the county of Suffolk, or in the court of common pleas, holden in either of the other counties of the Commonwealth, in which the officer so offending shall live; and, upon conviction thereof, shall forfeit and pay, to the use of the Commonwealth, for each offence, a sum not less than fifty dollars, nor more

than one hundred dollars, in the discretion of the court before which such conviction shall be.

SECTION 7. Each colonel of a regiment may raise by voluntary enlistment, and organize, within his regiment, and for the use thereof, a band of musicians, not to exceed eighteen in number, including one master and one deputy master; and may grant to the master and deputy master and privates, warrants as such; and such band shall be under the direction and command of the commanding officer of the regiment; and each commanding officer of a battalion may, in like manner, raise and organize, within his battalion, and for the use thereof, a band of musicians, not exceeding eight in number, including one master and one deputy master, and grant to the master, deputy master and privates thereof, warrants as such; and such band shall be under the command and direction of the commanding officer of the battalion. The master, and, in his absence, the deputy master, shall teach and lead and command such band, and issue all orders directed by said commanding officer of any regiment or battalion, as the case may be. And each member of each and every such band, shall provide himself with such uniform as may be directed by the commander in chief, and keep himself provided with such instrument or instruments, as may be directed by the commanding officer of the regiment or battalion; and, for any neglect, deficiency or misconduct, shall forfeit such sums as are prescribed in such case, in the one hundred and second section, chapter twelfth of the Revised Statutes, and may be dismissed from the band by the commanding officer of the regiment or battalion.

Commanders of regiments may organize bands of not more than eighteen musicians, and commanders of battalions, bands of not more than eight musicians.

Command of the same.

Uniforms and instruments.

Penalty for neglect.

SECTION 8. Each member of a regimental or battalion band shall be entitled to receive the sum of three dollars for each full day's service, and one half that sum for each half day's service, rendered in obedience to an order from the commanding officer of the regiment or battalion to which such band may belong, it being provided that such commanding officer shall not order out said band for more than two days' service in any one year, nor upon any other occasion than that of a regimental or battalion parade for review or instruction and drill.

Pay of members of regimental or battalion bands.

Provided, &c.

SECTION 9. The master of every such band shall, within ten days after the parade thereof, made under order of the commanding officer of the regiment or battalion to which such band may belong, make to the adjutant general an alphabetical return of the names of the men who appeared in uniform and performed duty in such band on any such day, the last return to be made on or before the tenth day of November, annually, it being provided that the returns above specified shall contain a certificate signed by the commanding officer to whom said band was ordered to report

Returns by masters of bands to adjutant general.

Provided, &c.

Provision for pay.

Commissioned officers of companies to be a captain and four lieutenants.

Company of artillery to be designated to appear with field pieces, &c.

Provided, &c.

Horses for field pieces, &c.

Other companies to appear as infantry.

Inspection of field pieces, &c.

Adjutant General to be inspector general of the militia.

Adjutant General to transmit this act and blank forms.

itself for duty, setting forth that the duty was well and faithfully performed; in default of which, the members of such band shall forfeit the pay provided for in the eighth section; and the adjutant general shall proceed to provide for the pay of such members, and for the reimbursement thereof on the part of the Commonwealth, in the same manner as is provided for in the case of members of the volunteer companies of the militia.

SECTION 10. The commissioned officers of each company of cavalry, artillery, grenadiers, light infantry and riflemen, shall be one captain, one first, one second, one third and one fourth lieutenant.

SECTION 11. The commanding officer of each regiment and battalion of artillery shall, at least ten days before the annual field inspection and review, designate by special order one company in his regiment or battalion, to appear at said inspection and review, with its field pieces and caisson, and the necessary apparatus and ammunition complete for the field; it being provided that regard shall be had to the company which is nearest to the parade ground; and the commanding officer of such company, and of each company of artillery, on occasions of parade for experimental gunnery, shall provide horses to draw the field pieces and caisson, and present the account of the expenses thereof, as is provided for in the one hundred and twenty-eighth section of chapter twelfth of the Revised Statutes; and each and every company in such regiment or battalion not so designated, shall appear armed and equipped, and be inspected severally as infantry. And the commanding officer of each and every such company shall, on the day of company parade under his own order, immediately preceding the fall inspection, inspect the field pieces and caisson, and all the appurtenances belonging thereto, and shall make out a return of their condition, certified under his oath to be correct and true, which he shall deliver to the brigade inspector on the day of regimental field inspection, and in default thereof, shall be liable to the penalty for such neglect made and provided.

SECTION 12. The adjutant general of the Commonwealth shall be the inspector general of all the militia thereof, and shall perform and discharge all the duties appertaining to the office of such inspector general, and shall present his account for the expenses which he may incur in the performance of his duty, as such, as is provided for in the one hundred and twenty-eighth section of chapter twelfth of the Revised Statutes.

SECTION 13. The adjutant general shall cause a copy of this act to be sent to the clerks of the several cities and towns in the Commonwealth, and to all the commissioned

officers of the volunteer militia, and shall provide forms of all the returns necessary to be made to him.

SECTION 14. The twentieth section of the twelfth chapter of the Revised Statutes, together with the third, fourth, fifth, and sixth sections, of the act in relation to the militia, passed in the year one thousand eight hundred and forty-five, and so much of the tenth section of the same act, as relates to the forfeiture of towns to be reimbursed by the State, for neglect in making returns to the adjutant general, and all acts and parts of acts, to which this is in addition, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, April 15, 1846.]

Repeal of inconsistent provisions.

An Act to designate the Fund for the Payment of the Salary of the Land Agent, and of Appropriations for Educational Purposes.

Chap 219.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The salary of the land agent shall be paid from the proceeds of the sales of the public lands: *provided, however,* that if such proceeds should not at any time be sufficient to pay the amount of salary, due and payable, the same shall be paid from moneys in the treasury not otherwise appropriated.

Land Agent's salary to be paid from proceeds of sales of lands; *provided, &c.*

SECTION 2. All sums of money which shall be hereafter drawn from the treasury, by virtue of appropriations made, or to be made, for educational purposes, shall be considered as a charge upon the moiety of the proceeds of the sales of the public lands now set apart for the purpose of constituting "a school fund," and all payments made on account of such appropriations shall be deducted from the amount received into the treasury from the moiety of the sales of the public lands, before such moiety shall be credited to the school fund: *provided, however,* that if the moneys received on account of said moiety should not be sufficient to pay the sum drawn, on account of any appropriation for educational purposes, such draft shall be paid from "the school fund," already invested.

Appropriations for educational purposes to be charged upon monies payable to the School Fund, &c.

Provided, &c.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 15, 1846.]

When to take effect.

An Act to establish the Massasoit Bank in Fall River.

Chap 220.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Oliver S. Hawes, Jason H. Archer, Azariah Shove, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Massasoit Bank, to be located in the town of Fall River, county of Bristol, and to continue a corpora-

Persons incorporated as bankers in Fall River, till October 1, 1851.

tion until the first day of October in the year one thousand eight hundred and fifty-one; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-sixth and forty-fourth chapters of the Revised Statutes, and in all other laws of the Commonwealth, relating to banks and banking.

Stock transferable at banking house, &c.

Capital to consist of \$100,000, in shares of \$100.

Provided, &c.

SECTION 2. The stock in said bank shall be transferable only at its banking house and in its books.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct; *provided*, the whole be paid in, on or before the first day of April, in the year one thousand eight hundred and forty-seven. [Approved by the Governor, April 15, 1846.]

Chap 221.

An Act relating to the Meetings of the County Commissioners in the County of Hampshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Discontinuance of meetings on first Tuesday in June.

SECTION 1. So much of the sixth section of the eighty-fourth chapter of the Revised Statutes, as relates to the meeting of the county commissioners in the county of Hampshire, on the first Tuesday of June, is hereby repealed.

Annual meetings to be held on the Tuesday after the second Monday of June, &c.

SECTION 2. There shall be a meeting of the county commissioners in the county of Hampshire, on the Tuesday next after the second Monday of June annually, and all petitions, notices, orders, returns and other proceedings returnable and having reference to the first Tuesday of June next, shall apply to and be proceeded upon at the time herein fixed for holding the June meeting.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 15, 1846.]

Chap 222.

An Act to provide for constructing Town Ways and Private Ways in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If towns neglect to construct roads laid out by county commissioners, the commissioners shall complete the roads at the charge of the towns, &c. with interest of cost at ten per cent., &c.

SECTION 1. If any town in which a town way or private way has been or shall be laid out or altered by county commissioners, agreeably to the provisions of the twenty-fourth chapter of the Revised Statutes, in any case in which the selectmen of such town have unreasonably refused or neglected to lay out or alter such town way or private way, shall not make and complete the same in the manner which has been or may be prescribed by said commissioners, and to their acceptance, within six months from the time of laying out such town way or private way, or within such

time as they may direct, the said commissioners, as soon as may be thereafter, shall cause such way to be completed as aforesaid, and, at their next meeting, they shall direct the expenses and charges of completing such town way or private way to be paid out of the county treasury, and shall order notice thereof to be given to such delinquent town, stating the amount of said expenses and charges: and if said town shall not, before the next regular meeting of said commissioners, pay the same with interest thereon, at the rate of ten per cent. a year from the time of payment thereof from the county treasury, the said commissioners shall cause the same, with all further costs, to be collected in the manner, and in relation thereto, the said town shall be subject to the liabilities prescribed and set forth in the forty-fifth section of said twenty-fourth chapter of the Revised Statutes, respecting delinquent towns which have not paid their proportion of the expenses and charges of completing a highway.

SECTION 2. If any town in which any town way or private way laid out or altered by the selectmen thereof has been or shall be approved and allowed by county commissioners, and an acceptance and record thereof directed by them to be made by the clerk of such town, agreeably to the provisions of said twenty-fourth chapter of the Revised Statutes, in any case in which such town has unreasonably refused or delayed to approve and allow such town way or private way, and to put the same on record, shall not make and complete the same in the manner which has been or may be prescribed by said commissioners, and to their acceptance, within six months from the time of their approval thereof, or within such time as said commissioners may direct, the same proceedings and the same remedies shall be had, and such delinquent town shall be subject to the same liabilities, as are provided in the preceding section for the case therein mentioned.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1846.*]

Liabilities of towns for neglect to complete roads laid out by selectmen, &c.

When to take effect.

An Act relating to the Duties of School Committees, and the Distribution of the Income of the School Fund.

Chap 223.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. In every city and town in the Commonwealth, in which it is now required by law that the school committee shall be elected in the month of February, March or April, the school committee of the year preceding such election, shall continue to hold their office, and to discharge the duties thereof, notwithstanding the election of successors, until the winter terms of the several schools shall have

School committees, &c., to hold over till winter terms are closed, and returns made to Secretary.

closed, and until the certificate, return, and report, as hereinafter provided, shall have been by them made and transmitted to the office of the secretary of the Commonwealth: *provided, however,* that, in regard to the examination of teachers for the summer schools, the visitation of those schools, and all other duties, except the making and transmitting of the said documents, the term of office of the new committee shall be held to commence immediately after their election to the same.

Provided, &c.

School committee to ascertain and certify the number of children, &c., and certify the amount of money raised, &c.

SECTION 2. The school committee of each city and town shall, as soon as may be after the first day of May, annually, ascertain by actual examination or otherwise, the number of persons between the ages of four and sixteen years, belonging to such city or town, on the said first day of May, and shall make a certificate thereof, under oath, and also of the sum raised by such city or town for the support of schools, including only wages and board of teachers, and fuel for the schools, during the said year; and shall transmit the same to the Secretary of the Commonwealth, on or before the last day of the following April, which certificate shall be in the following form, to wit:

We, the school committee of ———, do certify, from the best information we have been able to obtain, that, on the first day of May, in the year ———, there were belonging to said town the number of ——— persons, between the ages of four and sixteen years; and we further certify, that said town raised the sum of ——— dollars for the support of common schools for the said year, including only the wages and board of teachers, and fuel for the schools.

—————, } *School*
 —————, } *Committee.*
 —————,

—— ss. On this —— day of —— personally appeared the above-named school committee of ——, and made oath that the above certificate by them subscribed is true.

Before me,

—————, *Justice of the Peace.*

Blanks, &c., to be prescribed, by Board of Education, &c.

distributed by Secretary, through the sheriffs and town clerks.

SECTION 3. The form of the blanks, and the inquiries provided for by the statute of the year one thousand eight hundred and thirty-seven, chapter two hundred and twenty-seven, shall be prescribed by the Board of Education; and it shall be the duty of said board, in the month of January, annually, to transmit to the secretary of the Commonwealth, copies of said blanks for the several cities and towns. It shall be the duty of said secretary to cause said blanks to be forwarded to the sheriffs of the several counties, who shall transmit them as soon as may be to the clerks of the several cities and towns within their counties respectively, and said clerks shall forthwith transmit the same to the school committees. The school committees of

the several cities and towns shall return said blanks duly filled up, to the office of the Secretary of the Commonwealth, on or before the last day of April. If any school committee shall fail to receive such blank form of return on or before the last day of March, they shall forthwith give notice thereof to the Secretary of the Commonwealth, who shall transmit such blank as soon as may be.

and filled and returned by school committees, &c.

Notice of failure to receive blanks, &c.

SECTION 4. The school committees shall annually make a detailed report of the condition of the several public schools in their respective cities and towns, which report shall contain such statements and suggestions in relation to such schools as the said committees shall deem necessary or proper to promote the interests thereof; and a certified copy of such report shall be transmitted by said committees to the office of the Secretary of the Commonwealth, on or before the last day of April. Said report shall also be deposited in the office of the clerk of the city or town; and shall either be read in open town meeting, in the month of February, March or April, or, at the discretion of the school committee, shall be printed for the use of the inhabitants.

Report of school committee to be transmitted to Secretary;

deposited in clerk's office, and read in town-meeting, or published.

SECTION 5. The income of the Massachusetts School Fund, to the first day of June in each year, except the sum of two hundred and forty dollars appropriated to the support of schools among the Indians, shall be apportioned by the Secretary and Treasurer, and paid over by the Treasurer on the tenth day of July, to the treasurers of the several cities and towns, for the use of the common schools therein, according to the number of persons therein, between the ages of four and sixteen years, ascertained and certified as provided in the second section of this act. *Provided, however,* that no such apportionment shall be made to any city or town which shall have failed to comply with any of the provisions of this act, or which shall not have raised by taxation, for the support of schools, including only wages, and board of teachers, and fuel for the schools, during the said year, a sum equal at least to one dollar and twenty-five cents, for each person between the ages of four and sixteen years, belonging to said city or town, on the first day of May of said year.

Distribution of income of school fund.

Provided, &c.

SECTION 6. This act shall take effect from and after the last day of April, in the present year; and the Secretary of the Commonwealth shall transmit a copy thereof to the school committee of each city and town, as soon as may be after the passage of the same.

Time of taking effect.

Copies to be transmitted.

SECTION 7. All acts and parts of acts inconsistent with this act, are hereby repealed. [*Approved by the Governor, April 15, 1846.*]

Repeal of inconsistent provisions.

Chap 224. An Act to incorporate the Proprietors of the Pine Grove Seminary in Harwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for educational purposes.

Sidney Brooks, his associates and successors, are hereby made a corporation, by the name of the Pine Grove Seminary, to be established in the town of Harwich, in the county of Barnstable, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate, to an amount not exceeding five thousand dollars, to be devoted exclusively to the purposes of education. [Approved by the Governor, April 15, 1846.]

Estate not to exceed \$5,000, to be devoted, &c.

Chap 225.

An Act to incorporate the Concord Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to erect a steam mill for sawing lumber, &c., and for manufactures, &c., in Concord.

SECTION 1. Joel Britton, S. F. Belknap, William Thompson, their associates and successors, are hereby made a corporation, by the name of the Concord Steam Mill Company, for the purpose of erecting a steam mill, in the town of Concord, county of Middlesex for sawing lumber, planing boards, grinding grain and plaster, making doors, blinds, sashes, and for the manufactures of wood, cotton and wools, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$50,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, April 15, 1846.]

Chap 226.

An Act to incorporate the Cape Ann Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Gloucester.

SECTION 1. Joseph Reynolds, John J. Babson, William Ferson, their associates and successors, are made a corporation, by the name of the Cape Ann Savings Bank, to be located in the town of Gloucester, in the county of Essex, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to Savings Banks and Institutions for Savings. [Approved by the Governor, April 15, 1846.]

An Act in addition to "An Act incorporating the Methuen Bleaching and Dyeing Company." *Chap 227.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Methuen Bleaching and Dyeing Company are hereby authorized to establish their works in Andover, in the county of Essex, instead of Methuen, in said county, if they shall so elect. [*Approved by the Governor, April 15, 1846.*]

Works may be established in Andover instead of Methuen.

An Act to incorporate the Dorchester and Milton Branch Rail-road Company. *Chap 228.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William Richardson, Edmund P. Tileston, Asaph Churchill, Jonathan Ware, Mark Hollingsworth, their associates and successors, are hereby made a corporation, by the name of the Dorchester and Milton Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in all general laws, which are now, or may be hereafter in force, relating to rail-road corporations, in this Commonwealth.

Persons incorporated.

SECTION 2. Said company may locate, construct and maintain a rail-road, with one or more tracks, within the towns of Dorchester and Milton, in the county of Norfolk, commencing at the most convenient point, at or near the depot of the Old Colony Rail-road, at Neponset Village, so called, in Dorchester, and thence running, on the most eligible route, through the southeasterly part of the town of Dorchester, to a point eastwardly of the road leading from Dorchester to Milton, over Milton Hill, then crossing Neponset River, and thence running through the northerly part of the town of Milton, to some convenient point in Dorchester or Milton, at or near "the Upper Mills," so called.

Location of the road.

SECTION 3. The capital stock of said company shall consist of not more than nine hundred shares, the number of which shall, from time to time, be determined by the directors of said company ; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share ; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not to exceed \$90,000, in shares of \$100.

SECTION 4. If the location of said road be not filed, according to law, within one year, or if the said road be not

Time for location and completion of road.

completed within two years from the passage of this act, then this act shall be void.

May enter upon
and use the
Old Colony
Rail-road.

SECTION 5. The said company are hereby authorized to enter with their rail-road, by proper turnouts and switches, upon the Old Colony Rail-road, at or near the depot in Neponset Village, and to use the same, or any part thereof, according to the provisions of law.

The Legislature
may authorize
its use by any
other company.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon, and use said Dorchester and Milton Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Dorchester and Milton Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

Rights, &c. may
be transferred
to the Old Col-
ony Rail-road
Corporation.

SECTION 7. The said Dorchester and Milton Branch Rail-road Company may transfer and convey their rights, privileges, property, and franchise under this charter, to the Old Colony Rail-road Corporation; and said Old Colony Rail-road Corporation are hereby authorized to take, receive and hold the same, whenever a major part of the stockholders of the two corporations respectively, shall elect so to do; and, for this purpose, the Old Colony Rail-road Corporation may increase their capital stock by new shares, to an amount not exceeding ninety thousand dollars.

The Legislature
may reduce
tolls and profits
after 4 years,
provided, &c.

SECTION 8. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or profits upon said road; but said tolls or profits shall not be so reduced, without the consent of said corporation, as to produce less than ten per centum per annum, upon the investment of said company. [Approved by the Governor, April 16, 1846.]

Chap 229.

An Act to establish the Malden Canal Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated.

SECTION 1. James Eaton, John Harnden, and Daniel P. Wise, their associates, successors and assigns, are hereby made a corporation, by the name of the Malden Canal Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-ninth and forty-fourth chapters of the Revised Statutes.

Location of
canal.

SECTION 2. The said corporation is hereby authorized to locate and construct a canal in Malden, from a point in Mystic River, at or near the mouth of Malden Creek, to the central village of Malden, at some convenient point near Lewis Bridge or Barretts Red Mills; and, for this purpose, may take land, not exceeding five rods in width, along

Land taken.

the route of said canal, paying therefor damages, to be estimated in the same manner as is now provided by law in the case of rail-roads. The said corporation may construct such locks and dams as may be necessary; and may levy and collect such tolls, for the passage of vessels and boats, and the transportation of freight, as may be equitable: *provided*, that the rate of toll shall not be higher than will yield a fair net income of ten per cent. per annum: *provided*, the free passage of the creek, by boats and vessels, below the burial-ground, be not obstructed by the erection of any lock or dam; and *provided further*, that this grant shall in no wise interfere with the rights, privileges or property of the Boston and Maine Rail-road Company, or of any branch rail-road company authorized to enter said Boston and Maine Rail-road.

May construct locks and dams, and collect tolls.

Provided, &c.

SECTION 3. The capital stock of said corporation shall not exceed fifty thousand dollars, and may be divided into as many shares, of fifty dollars each, as the directors may, from time to time, determine; and said corporation may purchase and hold such real estate, in Malden, as may be necessary or convenient for its purposes.

Capital stock not to exceed \$50,000, in shares of \$50.

SECTION 4. The said Malden Canal Company shall file the location of their canal, within one year, with the commissioners of the county of Middlesex; and unless said canal is completed and opened for use within four years, this act shall be null and void. [*Approved by the Governor, April 16, 1846.*]

Time for location and completion of canal.

An Act to incorporate the Malden Steam Mills.

Chap 230.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Hiram Pond, Joseph J. Fales, Jonathan E. Gleason, their associates and successors, are hereby made a corporation, by the name of the Malden Steam Mills, for the purpose of manufacturing steam engines and machinery in the town of Malden, county of Middlesex; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture steam engines and machinery in Malden.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred and fifty thousand dollars. [*Approved by the Governor, April 16, 1846.*]

Estate not to exceed \$150,000.

An Act to incorporate the Walpole Rail-road Company.

Chap 231.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. John A. Gould, Edmund W. Clap, Joseph Hawes, John Morse, and their associates and successors,

Persons incorporated.

are hereby made a corporation, by the name of the Walpole Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws, which have been or shall be subsequently passed, relative to rail-road corporations.

Location of road, &c.

SECTION 2. Said company may locate, construct and maintain a rail-road, with one or more tracks, from some convenient point at or near the western termination of the Dedham Branch Rail-road in the town of Dedham, county of Norfolk, passing through the southerly part of said Dedham, to some convenient point near the centre of Walpole, in said county.

Capital stock not to exceed \$200,000, in shares of \$100.

SECTION 3. The capital stock of said corporation shall consist of not more than two thousand shares, the number of which shall, from time to time, be determined by the directors of said corporation; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share, and said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Time for location and completion of road.

SECTION 4. If the location of said road be not filed according to law within one year, and the said rail-road be not completed within three years from the passage of this act, then the same shall be void.

May enter upon and use the Dedham Branch and Boston and Providence Rail-roads.

SECTION 5. Said company is hereby authorized to enter upon, and unite their rail-road, by proper turnouts and switches, with the said Dedham Branch Rail-road, at or near the termination thereof in Dedham, and also to use said Dedham Branch Rail-road and the Boston and Providence Rail-road, paying therefor such a rate of toll as may be mutually agreed upon by the parties, or as the Legislature may from time to time prescribe.

The Legislature may authorize its use by any other company.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon, and use said Walpole Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Walpole Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may alter and reduce tolls and profits after four years; *Provided, &c.*

SECTION 7. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, from time to time, alter and reduce the rate of tolls or profits upon said road; but said tolls or profits shall not be so reduced, without the consent of said corporation, as to produce, less than ten per cent. per annum, upon the investment of said company. [*Approved by the Governor, April 16, 1846.*]

An Act authorizing the Granite Railway Company to extend their Rail-road, *Chap 232.*
and for other purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Granite Railway Company are hereby authorized, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the laws of the Commonwealth now in force, or which may be set forth in any laws hereafter enacted, relating to rail-road companies, to extend their rail-road from its present termination near Neponset River, in the direction following, viz : crossing the Granite Bridge road at a convenient angle, and continuing thence to a convenient point on the southerly bank of said river, below or easterly of the creek, owned by the heirs of John Rowe and others, and not more than five hundred feet below the Granite Bridge ; thence straight across said river to the northerly bank thereof, by a bridge in which there shall be a draw of the same width, and in all respects as convenient as that of said Granite Bridge ; and thence in such convenient direction, as to form a junction with a branch rail-road, now authorized to be constructed, from Milton Village to the Old Colony Rail-road, to be called the Dorchester and Milton Branch Rail-road ; and if said branch rail-road shall not be built within three years from the passing of this act, then said Granite Railway Company are hereby authorized to continue their said road, in the most convenient direction, to said Old Colony Rail-road, and to enter the same and form a junction therewith. And with respect to said draw, said railway company shall be subject to the same duties and liabilities, as are contained in the fourth section of the act to establish the Old Colony Rail-road Corporation.

Road to be extended in certain directions and distances.

Draw in bridge across the Neponset.

SECTION 2. Said Granite Railway Company are hereby authorized to construct branches, not exceeding one mile and a quarter each, in length from any part of their rail-road within half a mile of their own granite quarry, to any of the other neighboring quarries ; and for the convenient shipping of stone, to construct a wharf and depot on said river, below said Old Colony Rail-road, and a branch from the said rail-road to said wharf and depot ; and said Granite Railway Company are authorized to take such land as may be necessary for such wharf and depot, not exceeding three acres in extent, and such strips of land, not exceeding five rods in width, as may be needful for the extensions and branches authorized hereby, making payment for all land so taken, in the same manner as is provided by law, concerning land taken for the construction of rail-roads.

May construct branches, wharf and depot, &c.

SECTION 3. Said Granite Railway Company are hereby authorized to transport passengers and merchandise, as well

May transport passengers and merchandise, &c.

Capital stock to be increased by an amount not exceeding \$50,000.

Rights, &c., may be sold to the Old Colony Rail-road Corporation.

as stone, over their said rail-road and the several branches thereof, and to own and use locomotive engines and cars, suitable therefor; and, for the purposes mentioned in this act, may increase their capital stock by an amount, not exceeding fifty thousand dollars.

SECTION 4. Said Granite Railway Company are further authorized to sell their said road as it now is, with the rights and privileges created by this act, or as it may be when extended as aforesaid, in whole or in part, and with the several branches aforesaid, or any of them, to the Old Colony Rail-road Corporation. And said corporation is hereby authorized to purchase the same. [Approved by the Governor, April 16, 1846.]

Chap 233.

An Act to authorize the Western Rail-road Corporation to extend a Branch Rail-road from West Brookfield to Barre.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of branch rail-road.

SECTION 1. When the Western Rail-road Corporation shall construct a branch rail-road, leading from their main road at or near the village of West Brookfield, to any part of the town of New Braintree, as authorized by the sixth section of their act of incorporation, they are hereby empowered to extend and to construct and maintain the same, in and across the valley of Ware River, either through the easterly part of the town of Hardwick and a part of the town of Barre, or from said New Braintree, through a part of said Barre, to a point at or near the village in the centre of said Barre, and for the purpose of constructing said branch rail road, the said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in their act of incorporation, and in the several acts in addition thereto, and to such as are set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and the public statutes which have been or may be, subsequently passed, relating to such corporations.

May take, purchase, and hold real estate.

SECTION 2. Said corporation may take, purchase, and hold such real estate on the line of said branch rail-road, as may be necessary and convenient therefor, and for depots for the use of said branch road.

Time for location and completion of branch road.

SECTION 3. If the location of said branch road shall not be filed in the manner required by law, within one year, or if the said branch shall not be completed within two years, from the passage of this act, then this act shall be void. [Approved by the Governor, April 16, 1846.]

An Act concerning Security for Costs in Proceedings in the Supreme Court of Probate. *Chap 234.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The supreme court of probate shall have the same authority to require an endorser or security for the payment of costs, in any probate case or proceeding in that court, which they now have in proceedings in equity, by virtue of the tenth section of the ninetieth chapter of the Revised Statutes. [Approved by the Governor, April 16, 1846.]

Supreme Court of Probate may require security for costs, as in proceedings in equity.

An Act in addition to "An Act to incorporate the Town of Blackstone."

Chap 235.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The town of Blackstone shall pay to the town of Mendon eleven seventeenths of all State and county taxes apportioned to the town of Mendon for the year one thousand eight hundred and forty-five ; and the assessors of said town of Blackstone, upon a certificate made to them by the assessors of the town of Mendon of the amount aforesaid, shall assess the same upon the polls and estates of the inhabitants of the said town of Blackstone, and shall direct the collector of the town of Blackstone to collect the amount so assessed, and pay the same to the treasurer of the said town of Mendon, on or before the first day of November, one thousand eight hundred and forty-six.

Blackstone to pay to Mendon proportion of State and county taxes, &c.

SECTION 2. All State and county taxes which otherwise would be apportioned to the town of Mendon until the next State valuation, shall hereafter be apportioned eleven seventeenths to the town of Blackstone, and six seventeenths to the town of Mendon ; said apportionment to be made by the State and county officers, whose duty it is to apportion State and county taxes, and be collected of the respective towns in the same manner, as if the town of Blackstone had been incorporated before the taking of the State valuation next preceding the passage of this act.

Apportionment of said taxes till next State valuation.

SECTION 3. The assessors of Mendon and Blackstone, in their assessments of taxes for the year one thousand eight hundred and forty-six, shall include the State and county taxes for the years one thousand eight hundred and forty-five, and one thousand eight hundred and forty-six, any law or decision of this Commonwealth to the contrary, notwithstanding. [Approved by the Governor, April 16, 1846.]

State and county taxes of 1845, to be included in the assessments of 1846.

Chap 236.

An Act to incorporate the Artesian Well Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to sink a well
in the county of
Suffolk.

Estate not to
exceed \$100,-
000.

Enos Stewart, P. P. F. Degrand, Jesse Chickering, their associates and successors, are hereby made a corporation, by the name of the Artesian Well Association, for the purpose of sinking a well to a great depth for geological and scientific purposes, in the county of Suffolk; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes; and, for the purposes aforesaid, may hold real and personal estate or capital stock to an amount not exceeding one hundred thousand dollars. [Approved by the Governor, April 16, 1846.]

Chap 237.

An Act concerning the Inspection of Lime.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Description of
casks for pack-
ing Maine lime
for inspection.

SECTION 1. Whenever, in accordance with the provisions of the twenty-eighth chapter of the Revised Statutes, an inspection shall be demanded of lime manufactured in, and imported from, the State of Maine, the inspector shall require that such lime be in casks, manufactured from sound and well seasoned lumber, with at least ten good hoops, well driven and secured upon each cask; the staves of the cask shall be thirty inches in length, and not less than half an inch in thickness; the heads shall be not less than three-fourths of an inch in thickness, and they shall be well crosed in; each cask to be not less than twenty-six and one half inches between the heads, and seventeen inches between the chimes, with good and suitable bilge, and made in a workman-like manner.

Regulations re-
specting Maine
lime to be as
before, except
as to size of
casks.

SECTION 2. The same rules, regulations, restrictions and liabilities, except as to the size of the cask, shall apply to lime imported from the State of Maine, as are provided in said twenty-eighth chapter of the Revised Statutes, and the same compensation shall be made for inspection. [Approved by the Governor, April 16, 1846.]

Chap 238.

An Act to establish the Salaries of the Watchman and Assistant Watchmen of the State House.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salary
of watchman
to be \$700, and
of assistant

SECTION 1. The watchman of the State House shall receive an annual salary of seven hundred dollars, and the two assistant watchmen an annual salary of six hundred

dollars each, and the said salaries shall be paid in quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July and October, in every year, and in the same proportion for any part of a quarter.

SECTION 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-six. [*Approved by the Governor, April 16, 1846.*]

watchmen \$600 each, &c.

When to take effect.

An Act to incorporate the Lancaster and Sterling Branch Rail-road Company.

Chap 239.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Amory Holman, Winthrop E. Faulkner, William H. Wood, their associates and successors, are hereby made a corporation, by the name of the Lancaster and Sterling Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws which have been, or shall be subsequently passed, relative to rail-road corporations.

Persons incorporated.

SECTION 2. Said company are empowered to locate, construct and maintain, with one or more tracks, a branch rail-road, commencing at some convenient point in the Fitchburg Rail-road, in the town of Acton; thence running to the village of Stow; thence through Bolton and Lancaster to a point in Sterling convenient to intersect the contemplated rail-road from Fitchburg towards Worcester; or, at the option of said company, commencing at some convenient point on said Fitchburg Rail-road, in the westerly part of the town of Concord; thence running through Acton, Sudbury, Stow, Marlboro', Bolton, Berlin and Lancaster, to the terminus aforesaid, in said Sterling.

Location of road.

SECTION 3. The capital stock of said company shall consist of not more than six thousand shares, the number of which shall, from time to time, be determined by the directors of said company; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not to exceed \$600,000 in shares of \$100.

SECTION 4. The company hereby established may also enter upon, and unite their rail-road, by proper turnouts and switches, with the said Fitchburg Rail-road, at some convenient place in said Acton or Concord, and use said Fitchburg Rail-road, or any part thereof, paying therefor

May enter upon and use the Fitchburg Rail-road.

such a rate of toll or compensation as may be agreed by the parties, or as the Legislature may, from time to time, prescribe, and subject to all the restrictions and conditions contained in any laws existing, or which may hereafter be enacted, to regulate the use of rail-roads, and to such reasonable rules and regulations as may be established by the said Fitchburg Rail-road Company, for their mutual safety and convenience.

The Legislature may authorize any other company to enter upon and use the road.

SECTION 5. The Legislature may authorize any company to enter with another rail-road upon, and use the said Lancaster and Sterling Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Lancaster and Sterling Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may reduce the tolls and profits after 4 years.

SECTION 6. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said rail-road; but said tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

Provided, &c.

Time for location and completion of road.

SECTION 7. If the location of said rail-road be not filed within one year, or if the said company shall not complete their rail-road, as provided for in the second section of this act, with at least one track, within three years from the passage of this act, then the same shall be null and void.

May unite with the Fitchburg Rail-road Company.

SECTION 8. The company hereby established, by a vote of its stockholders, at a meeting called for that purpose, may unite with the Fitchburg Rail-road Company: *provided*, the stockholders of the said Fitchburg Rail-road Company shall, at a meeting called for that purpose, agree to the same. And when such union shall have been made, said corporations so united shall have, possess, and hold all the property, rights, privileges and franchises, and be subject to all the duties, restrictions, and liabilities, which the corporations so united had enjoyed, and been subject to, under their respective charters, and shall bear the name of the Fitchburg Rail-road Company. [*Approved by the Governor, April 16, 1846.*]

Provided, &c.

Chap 240.

AN ACT to incorporate the St. John's Catholic Total Abstinence and Mutual Relief Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Fall River.

SECTION 1. Richard Burns, John Moriarty, Thomas Murphy, their associates and successors, are hereby made a corporation, by the name of the St. John's Catholic Total Abstinence and Mutual Relief Society, of Fall River, for

the purpose of promoting the cause of temperance and of relieving one another when in circumstances of want or distress, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 2. The corporation hereby created may hold real or personal estate, or both, to the amount of two thousand dollars, to be devoted exclusively to the charitable and other purposes above mentioned. [Approved by the Governor, April 16, 1846.]

Estate not to exceed \$2,000, to be devoted to charitable purposes, &c.

An Act for the Correction of the State Map.

Chap 241.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Secretary of the Commonwealth shall cause to be prepared, a manuscript map of each county in the Commonwealth, copied from the original map, on a large scale, now deposited in the Secretary's office; and shall transmit the maps of the several counties to the boards of commissioners of said counties respectively.

Secretary to send county maps to commissioners.

SECTION 2. The commissioners of each county shall, from time to time, cause to be correctly and fairly delineated, upon said map, the changes in the boundaries of towns, the course of new roads, rail-roads and canals, and other topographical alterations within the limits of the county; and on or before the first day of July, in every year, shall return said map into the office of the Secretary of the Commonwealth, in such condition as to present a true representation of the county, up to the first day of June of the same year.

Commissioners to amend maps, and return the same to Secretary's office.

SECTION 3. It shall be the duty of the Secretary in every year, as soon as may be, after receiving said county maps, to cause alterations represented in the same to be delineated on the plates of the State map.

Secretary to correct plates of State map.

SECTION 4. If the commissioners of any county shall neglect, in any year, to make the return required in the second section of this act, they shall forfeit and pay, for such neglect, the sum of one hundred dollars, to be recovered by the treasurer for the use of the Commonwealth.

Penalty for neglect on the part of commissioners.

SECTION 5. All acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, April 16, 1846.]

Repeal of inconsistent provisions.

An Act concerning the Sale of Trust Estates.

Chap 242.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The supreme judicial court, in exercising their jurisdiction over trusts relating to real and personal

Powers of the Supreme Judicial Court in

respect to sales,
&c., of trust
estates.

estate in all cases when a sale and conveyance of such estate shall have become necessary or expedient, upon the bill or petition of any party interested therein, shall have power to order and decree such sale and conveyance, and the investment, reinvestment, and application of the proceeds thereof, upon such security and in such manner as shall best effect the objects of the trust and be most safe and beneficial for all interested therein. [*Approved by the Governor, April 16, 1846.*]

Chap 243.

An Act to regulate the Pilotage in Nantucket.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Governor, &c.,
to appoint three
port wardens
for Nantucket,
&c.

SECTION 1. There shall be appointed by the Governor, with the advice and consent of the Council, three persons, who shall be residents of Nantucket, to be denominated wardens of the port and district of Nantucket, who shall hold their offices during the pleasure of the Governor and Council, and whose duty it shall be to grant commissions or warrants to a suitable number of persons to be pilots for the port of Nantucket.

Who shall
grant and re-
voke warrants,
&c.

and make regu-
lations, &c.

SECTION 2. Said wardens shall make all suitable and necessary regulations for the government of such pilots as they shall commission, and may revoke any such commission when in their judgment it may become necessary.

Pilots to qualify
by making oath
and giving
bonds, and to
deliver their
commissions on
demand, &c.

SECTION 3. Every pilot appointed by said wardens shall, before entering upon his office, be sworn to the faithful discharge of the duties thereof, and shall also give bond to the wardens of said port for the time being, in the sum of one hundred dollars, with condition that he shall faithfully perform the duties of such office, and shall give up his branch or commission when demanded by a vote of the said wardens, and in default of said delivery shall forfeit the sum of fifty dollars for every vessel which he shall attempt to pilot after having notice to give up the same.

Penalty for
acting as a pi-
lot without
commission,
&c.

SECTION 4. If any person not having a branch or warrant as a pilot or deputy for the harbor of Nantucket shall falsely represent himself as a pilot or a deputy for said harbor, and shall undertake to pilot into or out of said harbor any vessel drawing nine feet of water or more, he shall forfeit a sum not exceeding one hundred dollars for each offence, and he shall be further liable to pay all damages that may be sustained by reason of his so undertaking to pilot such vessel: *provided, however*, that if the person so acting as pilot or deputy shall be employed for that purpose by the master or commander of any vessel, knowing that such person was not a legal pilot for said harbor, the person so acting as pilot shall not be liable to pay any forfeiture or damage in case of loss.

Provided, &c.

SECTION 5. The rates of pilotage which each of said pilots may demand, shall be as follows, to wit: For all vessels taken to sea westward, past Gay Head, two dollars per foot, and all vessels taken to sea eastward one dollar and fifty cents per foot from the bar, and ten dollars in addition for each vessel so piloted in and out over the bar not drawing less than nine feet of water; and for piloting a loaded vessel from Edgartown, Holmes' Hole, or Wood's Hole, to the bar off Nantucket the sum of fifteen dollars.

Rates of pilotage.

SECTION 6. The several pilots of the said port of Nantucket and their deputies, shall have all the power and be subject to all the duties and liabilities, mentioned in the provisions of the thirty-second chapter of the Revised Statutes, except those which specially relate to any port or harbor therein mentioned, and except so far as said provisions are modified or controlled by the preceding sections of this act. [Approved by the Governor, April 16, 1846.]

Powers, duties and liabilities of pilots, &c.

An Act concerning Hawkers and Pedlers.

Chap 244.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. From and after the first day of July next, every hawker, pedler, or petty chapman, or other person, going from town to town, or from place to place, or from dwelling-house to dwelling-house, in the same town, either on foot, or with one or more horses, or otherwise carrying for sale, or exposing to sale, any goods, wares or merchandise, or taking a residence in any town for that purpose, for a less time than one year, except as provided in the second section, or under a license, granted as hereinafter provided, shall forfeit a sum not exceeding two hundred dollars for every offence; and that nothing contained in this section shall be construed to restrain sales at public auction, according to law.

Hawkers, &c., must have a license after July 1st, 1846, for sale of certain articles,

or be punished by forfeiture, &c., but not for sales at auction, &c.

SECTION 2. Any person may go about, as aforesaid, selling and exposing to sale, any fruits and provisions whatever, live animals, brooms, agricultural implements, fuel, newspapers, books, or pamphlets, agricultural products of the United States, the products of his own labor or any labor of his own family; but the sale of jewelry, wines, spirituous liquors, playing cards, indigo, and feathers, as aforesaid, is hereby prohibited: *provided*, if the city council of any city shall authorize the mayor and aldermen of such city, or the inhabitants of any town shall authorize the selectmen of such town to restrain the sale, by minors, of any goods, wares, or merchandise, the sale of which in the manner aforesaid, is permitted in this section, such mayor and aldermen, or selectmen, while such authority remains in force, may exercise in the premises, all the powers they are by

Articles which may be sold by hawkers, &c. without license.

Prohibited articles.

But the sale by minors may be restrained by town government.

Term of restraint and of license.

Secretary may grant licenses on certificate of selectmen, &c.

Form of license, &c.

Payment to Commonwealth.

Payment to, and certificate of, town treasurer.

License only to avail after payment to town treasurer, and within specified limits.

Provided, &c.

Sums payable for license.

law authorized to exercise in relation to theatrical exhibitions and public shows; and any violation of such restraint, when the same shall be imposed by the regulations of said mayor and aldermen, or said selectmen, or any sale of the articles in question, without a license, where the same shall be required in exercise of the authority above granted, shall subject the persons guilty of the same to a penalty not exceeding ten dollars for every offence: *provided, further*, that no such restraint imposed, or license granted, shall remain in force beyond the term of office of those by whom the same was imposed or granted.

SECTION 3. The Secretary of the Commonwealth may grant a license to go about selling and exposing to sale, any goods, wares or merchandise, not prohibited in the second section, to any applicant, who shall file in his office, a certificate, signed by a majority of the selectmen of any town, or the mayor of any city, in the Commonwealth, which certificate shall state that, to the best knowledge and belief of such mayor or selectmen, the applicant therein named, is a citizen of the United States, and resides in such city or town, and is in good repute for morals and integrity. And the mayor or selectmen as aforesaid, before granting such certificate, shall require every such applicant to make oath that he is the person named therein, that he is a citizen of the United States, and is a resident of such city or town, which oath shall be certified by a justice of the peace and accompany the certificate.

SECTION 4. The Secretary of the Commonwealth shall cause to be inserted, in every license, the names of such cities and towns as the applicant shall select, with the sum to be paid to the respective treasurers thereof, annexed, and shall receive from the applicant one dollar for each city or town so inserted; and every person so licensed, is hereby authorized to sell, as aforesaid, any goods, wares or merchandise, not prohibited in the second section, in any city or town mentioned in his license, upon first tendering to the treasurer thereof, the sum stated to be due; and the treasurer of such city or town shall make a certificate on the face of the license, stating the sum so received. No license granted under this act shall be pleaded in bar to any complaint against the person licensed, if it be proved that he exposed to sale in any county, city or town mentioned in such license, any article not permitted or prohibited in the second section, prior to tendering to the treasurer thereof the sum required by this act, or in any county, city or town, not mentioned in such license: *provided*, that this act shall not be construed to require any person so licensed, to pay the sum due to the treasurer of any county, city or town, before he is prepared to trade therein.

SECTION 5. Every person licensed under the foregoing

sections, in addition to the sum payable to the Secretary of the Commonwealth, shall pay to the treasurer of each city or town, mentioned in his license, the sums following:— For every town containing not more than one thousand inhabitants, according to the United States census, next preceding the date of any license, three dollars. For every town containing more than one thousand and not more than two thousand inhabitants, six dollars. For every town containing more than two thousand and not more than three thousand inhabitants, eight dollars. For every town containing more than three thousand and not more than four thousand inhabitants, ten dollars. And for every town containing more than four thousand inhabitants, the sum shall be increased in addition, to ten dollars, one dollar for every one thousand inhabitants, over four thousand contained therein: *provided* that the sum to be paid to the treasurer of any city or town shall, in no case, exceed twenty-five dollars.

SECTION 6. Every license granted under this act before the first day of January, in the year one thousand eight hundred and forty-seven, shall bear date on the first day of July next, and shall continue in force till the first day of January aforesaid, and no longer; and the amount to be paid therefor shall be one half of any sums herein provided to be paid for a similar license for a year, and every license granted after the aforesaid first day of January, shall bear date on the first day of January of the year in which it is granted, and shall continue in force one year and no longer; and it shall not be lawful for any person to sell under any such license, except the person licensed therein or named in a transfer of the same, as hereinafter provided. The Secretary of the Commonwealth shall keep a record of all licenses granted, with the number of each, the name and residence of the person licensed, and the counties, cities and towns mentioned therein, and also of all special State licenses. The treasurers of the counties, cities and towns, shall severally keep records of all licenses upon which the sums provided in this act have been paid, with the number of each, the name and residence of the persons licensed, and the sums received thereon, and all such records shall be open for public inspection.

SECTION 7. In addition to the licenses authorized in the foregoing sections, the Secretary of the Commonwealth, upon the conditions required in the third section, may grant special State licenses, upon payment, by the applicant, of one hundred dollars for each license; and the person so licensed, shall be authorized to expose to sale any goods, wares or merchandise, not prohibited in this act, in any city or town in this Commonwealth; and may also grant, as aforesaid, special county licenses, upon payment, by the

applicant, of one dollar for each county mentioned therein; and the person so licensed, shall be authorized to expose to sale, to any person within said counties, any tin, britannia, glass or wooden wares, of the manufactures of the United States, or any other goods, wares, or merchandise manufactured by himself, or his employer, and not prohibited in this act, upon tendering to the treasurer of each county mentioned in said license, respectively, the sums following:—For Suffolk, Essex, Middlesex and Worcester, each four dollars. For Norfolk, Berkshire, Hampden, Bristol and Plymouth, each three dollars. For Franklin, Hampshire and Barnstable, each two dollars. For Nantucket, one dollar, for Dukes, one dollar. And the county treasurers, respectively, upon the receipt of any sum, as aforesaid, shall certify thereto on the face of the license, stating the amount so received.

Sums paid for licenses to belong to the Commonwealth, county, town, &c.

Transfer of licenses.

Name, &c. to be posted, and license to be shown, &c.

Penalties for breach of license laws, &c.

Repeal of inconsistent provisions.

SECTION 8. All sums paid to the Secretary of the Commonwealth under this act, shall be for the use of the Commonwealth; and all sums paid to the treasurer of any county, city or town, shall be for the use of the county, city or town, so receiving the same. Any license granted under this act, upon proceedings had by the applicant, as provided in the third section, may be transferred by the Secretary of the Commonwealth, and the person to whom such license is transferred, shall be liable, in all respects, as if he were the person originally licensed.

SECTION 9. Every person licensed as herein provided, shall post his name, residence, and the number of his license, in a conspicuous manner, upon his parcels or vehicle, and whenever such license is demanded of him, by any selectman or justice of the peace, he shall forthwith exhibit it, and if he neglect or refuse to do so, shall be subject to the same penalty as if he were without a license, and this act, or a synopsis thereof, shall be printed on every license.

SECTION 10. The license of any person who shall be convicted of a violation of any provision of this act, shall be void. Any person who shall counterfeit or forge a license, or who shall have a counterfeited or forged license in his possession, with the intent to utter or use the same as true, knowing it to be false and counterfeit, or who shall attempt to sell under a license which has expired, or is forfeited, or which was not granted to him, and has not been transferred to him, shall forfeit a sum not exceeding one thousand dollars.

SECTION 11. The seventh and eighth sections of the thirty-fifth chapter of the Revised Statutes are hereby repealed. [*Approved by the Governor, April 16, 1846.*]

An Act in addition to "An Act to incorporate the Eastern Rail-road Company," and to "An Act to incorporate the Proprietors of the Newburyport Bridge." **Chap 245.**

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Eastern Rail-road Company are hereby required to make and complete, within six months from the day of the passage of this act, a suitable draw in their bridge over the Merrimack River, of not less than forty-six feet in width, over that part of the said river which runs under the span of the said bridge, now existing between the present draw and the channel ; to be constructed and finished in such manner as shall be approved of by three commissioners, to be for that purpose appointed by the governor and council, and at the expense of the said Eastern Rail-road Company.

Draw in bridge over the Merrimack River to be built within 6 months, not less than 46 feet wide. Construction and finish to be approved by three commissioners, &c.

SECTION 2. From and after the expiration of the said six months, if the said draw herein required to be made, shall not have been made and completed as aforesaid, the said bridge, or so much thereof as shall interfere with the safe and free navigation of the said river, shall be considered and taken to be a public nuisance, and may be abated as such, in the same manner in which any other obstruction or nuisance in navigable waters may, by law, be abated or removed ; and the said Eastern Rail-road Company shall be liable to all persons navigating said river, or desirous to navigate the same, for all losses, costs and damages, which they may severally, from time to time, sustain by reason of the omission to make and complete such draw.

Time for completion of draw, and penalty for neglect.

SECTION 3. If, upon further examination, to be made by the said commissioners, it shall appear to them that the draw now existing in said bridge, may be made of the width of forty-six feet, and that the channel above and through and below the same, may be made and maintained of sufficient depth to admit of the passage of vessels without interruption or delay at all times of tide ; and the said Eastern Rail-road Company shall undertake and agree to keep and maintain said channel of such depth and clear from obstruction, and such draw shall be so widened, and said channel shall be so prepared and cleared within the said six months, then the obligations, requirements and forfeitures, set forth and imposed by the first and second sections of this act shall cease and determine : *provided, however*, that if, at any time hereafter, the said draw shall be found insufficient or otherwise unsuitable, or the said channel shall not be made or maintained of sufficient depth and free from obstruction, so as to admit of the free passage of vessels, as aforesaid, it shall be lawful for the Legislature to require the construction of such other draw, in such other position, as shall seem necessary or expedient, any thing in this act to the contrary notwithstanding.

Present draw may be widened, &c., and channel cleared, &c., in place of new draw.

Provided, &c.

Existing obligations of corporation to remain in force, &c.

SECTION 4. Nothing herein contained shall be construed to alter or impair any obligations of the said Eastern Railroad Company or of the said proprietors of the Newburyport Bridge to keep, maintain and tend the draw now existing, until that hereby required to be made, shall have been completed, nor to alter or impair their obligations for the maintenance of a suitable draw in said bridge, under their respective charters, and the acts in addition thereto; but all such obligations shall remain in full force, and apply to the maintenance and care of the draw hereby required to be made, or of the present one, if altered as aforesaid, in the same manner as if it had been originally provided for in the said charters. [*Approved by the Governor, April 16, 1846.*]

Chap 246.

An Act to incorporate the Temperance Hall Association in Dedham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Stephen Bates, Austin Bryant, George C. Whitney, their associates and successors, are hereby made a corporation, by the name of the Temperance Hall Association in Dedham, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$15,000.

SECTION 2. Said corporation are hereby authorized to purchase land, and erect a hall thereon, to be used for temperance, moral and scientific lectures, *provided*, the amount invested shall not exceed fifteen thousand dollars. [*Approved by the Governor, April 16 1846.*]

Chap 247.

An Act to incorporate the Fitchburg and Worcester Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Solomon Strong, Francis Perkins, Joel Pratt, James H. Carter and Caleb C. Field, their associates and successors, are hereby made a corporation, by the name of the Fitchburg and Worcester Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, relating to rail-road corporations, and in all other general laws which have been, or shall be passed, relative to rail-road corporations.

Location of road.

SECTION 2. Said company may locate, construct and maintain a rail-road, with one or more tracks, from some convenient point in the town of Fitchburg or Leominster, through the centre village in said Leominster, to the centre village in the town of Sterling, and thence to the most con-

venient point, to intersect or connect their rail-road with the Worcester and Nashua Rail-road, in said Sterling, or the town of West Boylston; and may, at said point of intersection, connect the rail-road hereby established, with said Worcester and Nashua Rail-road, by proper turnouts and switches, and may enter upon and use the same; and, if the charter of the Worcester and Nashua Rail-road Company shall become void in consequence of any omission to locate or construct said rail-road, within the time prescribed therefor, the corporation hereby established may, at any time within six months after said charter shall become void, locate their rail-road through West Boylston, Holden and Worcester, to one of the depots in said Worcester, and shall construct the same within two years from the date of said location, to its southerly terminus in said Worcester.

SECTION 3. The capital stock of said company shall consist of not more than *five thousand shares*, the number of which shall, from time to time, be determined by the directors of said company, and no assessment shall be laid thereon of a greater amount in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not to exceed \$500,000, in shares of \$100.

SECTION 4. Said company may also enter upon and unite their rail-road, by proper turnouts and switches, with the Fitchburg Rail-road, in Fitchburg or Leominster, or the Vermont and Massachusetts Rail-road, in some convenient place in or near the centre village in Fitchburg, and use the same under the provisions and restrictions of the laws relating to rail-roads.

May enter upon and unite with the Fitchburg or the Vermont and Massachusetts Rail-road.

SECTION 5. Said company may also enter with their rail-road, by proper turnouts and switches, upon the Worcester Branch Rail-road in Worcester, at the most convenient place, and use the same under the provisions and the restrictions of the laws relating to rail-roads.

May enter upon and use the Worcester Branch Rail-road.

SECTION 6. Said company may purchase or hire the Worcester Branch Rail-road, and may receive a conveyance thereof, and of its franchise, rights, powers and privileges, subject to the restrictions of its charter, or may unite with the Worcester Branch Rail-road Corporation, upon such terms as may be mutually agreed upon by the directors of the two corporations; and, in case of such purchase and conveyance of the Worcester Branch Rail-road, or union of said corporations, the Worcester Branch Rail-road Corporation shall cease, and be merged in the corporation created by this act.

May purchase, or hire, or unite with, the Worcester Branch Rail-road Corporation.

SECTION 7. Said company are hereby authorized to unite with the Worcester and Nashua Rail-road Corporation, upon such terms as may be mutually agreed upon by the direc-

May unite with the Worcester and Nashua Rail-road Corporation, &c.

or, by agreement, may supersede the same.

tors of the two corporations, and, in case of such union, the Worcester and Nashua Rail-road Corporation shall cease, and be merged in the corporation hereby established; or, if this corporation shall agree with the Worcester and Nashua Rail-road Corporation to surrender and give up their charter, then this corporation may, when such agreement shall have been duly executed, proceed forthwith to locate and construct their rail-road to its southerly terminus in Worcester.

The Legislature may authorize its use by any other company.

SECTION 8. The Legislature may authorize any company to enter with another rail-road upon, and use the rail-road hereby established, or any part thereof, by complying with such reasonable rules and regulations as the company hereby incorporated may prescribe, or as may be determined according to the provisions of law.

The Legislature may reduce tolls and profits, after four years.
Provided, &c.

SECTION 9. The Legislature may, after four years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or profits upon said rail-road; but the tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

Time for location and completion of road.

SECTION 10. If the location of said rail-road from Fitchburg or Leominster to Sterling, be not filed within one year, or, if the said company shall not complete the portion of said rail-road between Fitchburg or Leominster and Sterling, with at least one track, in three years from the passage of this act, then the same shall be null and void. [*Approved by the Governor, April 16, 1846.*]

Chap 248.

An Act to incorporate the Union Baptist Society in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Boston.

SECTION 1. George W. Chipman, Enoch W. Perkins, and Simeon Taylor, their associates and successors, are hereby made a corporation, by the name of the Union Baptist Society, in Boston, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$40,000, the income to be devoted, &c.

SECTION 2. Said corporation may hold real and personal estate, or either, to an amount not exceeding forty thousand dollars; *provided*, the income thereof shall be applied to parochial purposes, except so much of said income as may be needed to pay the principal and interest of any sums of money, which may be hired on mortgage of the real estate of said society, or otherwise.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

An Act concerning the appointment of Guardians of Spendthrifts.

Chap 249.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The selectmen of any town upon which any spendthrift is, or may become chargeable, may petition the judge of probate of the county, in which said town is situated, to appoint a guardian over him in the same manner as is provided in the eleventh section of the seventy-ninth chapter of the Revised Statutes, and said judge shall have the same power to act upon said complaint, as is given in the chapter aforesaid. [Approved by the Governor, April 16, 1846.]

Selectmen of towns may petition the judge of probate, who may appoint, &c.

An Act to incorporate the Globe Village Hall Association.

Chap 250.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel L. Fiske, James Gleason, William F. McKinstry, their associates and successors, are hereby made a corporation, by the name of the Globe Village Hall Association, in Southbridge, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated in Southbridge.

SECTION 2. Said corporation are hereby authorized to erect and maintain a hall in Globe Village, in Southbridge, to be used for religious, temperance, scientific, and literary purposes, and, for that purpose, may hold real and personal estate, to an amount not exceeding ten thousand dollars. [Approved by the Governor, April 16, 1846.]

Estate not to exceed \$10,000, to be used, &c.

An Act relating to Rail-road Corporations.

Chap 251.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The annual report now by law required to be made by the directors of the several rail-road corporations within this Commonwealth, shall, hereafter, contain full information upon the several items hereinafter enumerated, to wit :—

Particulars of reports from Rail-road corporations,

Form of Rail-road Return to the Legislature.

Capital stock, \$

Increase of capital since last report.

Capital paid in per last report, \$

“ “ “ since last report.

Total amount of capital stock paid in.

Funded debt, per last report.

“ “ paid since last report.

“ “ increase of, since last report.

Total present amount of funded debt.
 Floating debt, per last report.
 " " paid since last report.
 " " increase of, since last report.
 Total present amount of floating debt.
 " " " " funded and floating debt.
 Average rate of interest per annum on do.

COST OF ROAD AND EQUIPMENT.

For graduation and masonry, per last report.
 " " " " paid during the past year.
 Total amount expended for graduation and masonry.
 For bridges, per last report.
 " " paid during the past year.
 Total amount expended for bridges.
 For superstructure, including iron, per last report.
 " " " " paid during the past year.
 Total amount expended for superstructure, including iron.
 For stations, buildings and fixtures, as per last report.
 " " " " " paid during the past year.
 Total amount expended for stations, buildings and fixtures.
 For land, land-damages and fences, per last report.
 " " " " " paid during the past year.
 Total amount expended for land, land-damages and fences.
 For locomotives, per last report.
 " " paid during the past year.
 Total amount expended for locomotives.
 For passenger and baggage cars, per last report.
 " " " " " paid during the past year.
 Total amount expended for passenger and baggage cars.
 For merchandise cars, per last report.
 " " " paid during the past year.
 Total amount expended for merchandise cars.
 For engineering and other expenses, per last report.
 " " " " " paid during the past year.
 Total amount expended for engineering and other expenses.
 Total cost of road and equipment.

CHARACTERISTICS OF ROAD.

Length of road.
 " " single track.
 " " double track.
 " " branches owned by the company, stating whether
 they have a single or double track.
 Weight of rail per yard in main road.
 " " " " " branch roads.
 Maximum grade, with its length in main road.
 " " " " " " branch roads.
 Total rise and fall in main road,
 " " " " " branch roads.

Shortest radius of curvature, with length of curve in main road.

“ “ “ “ “ “ “ branch roads.

Total degrees of curvature in main road.

“ “ “ “ “ branch roads.

Total length of straight line in main road.

“ “ “ “ “ branches.

Aggregate length of truss bridges.

Whole length of road unfinished on both sides.

DOINGS DURING THE YEAR.

Miles run by passenger trains.

“ “ “ freight “

“ “ “ other “

Total miles run.

Number of passengers carried in the cars.

“ “ “ “ one mile.

“ “ tons of merchandise carried in the cars.

“ “ “ “ one mile.

“ “ passengers carried one mile, to and from other roads.

“ “ tons carried one mile, to and from other roads.

Average rate of speed adopted for passenger trains, including stops.

“ “ “ “ freight “ “

Estimated weight in tons of passenger trains, including engine and tender, but not including passengers hauled one mile.

Do. tons of merchandise trains, including engine and tender, but not including freight hauled one mile.

EXPENDITURES FOR WORKING THE ROAD.

For repairs of road, maintenance of way, exclusive of wooden truss bridges and renewals of iron.

For repairs of truss bridges.

“ renewals of iron, including laying down.

“ wages of switch-men, gate-keepers and flag-men.

“ removing ice and snow.

“ repairs of fences, gates, houses for flag-men, gate-keepers, switch-men, tool houses.

Total for maintenance of way.

MOTIVE POWERS.

For repairs of locomotives.

“ new locomotives, to cover depreciation.

“ repairs of passenger cars.

“ new passenger cars, to cover depreciation.

“ repairs of merchandise cars.

For new merchandise cars to cover depreciation.

“ repairs of gravel and other cars.

Total for maintenance of motive power.

MISCELLANEOUS.

For fuel and oil.

“ salaries, wages and incidental expenses, chargeable to passenger department.

“ salaries, wages and incidental expenses, chargeable to freight department.

“ gratuities and damages.

“ taxes and insurance.

“ ferries.

“ repairs and station buildings, aqueducts, fixtures, furniture.

“ interest.

“ amount paid other companies in tolls for passengers and freight carried in their roads, specifying each company.

“ amount paid other companies as rent for use of their roads, specifying each company.

“ salaries of president, treasurer, superintendent, law expenses, office expenses of the above offices and all other expenses not included in any of the foregoing items.

INCOME DURING THE YEAR.

For passengers :—

1. On the main road exclusively, including branch owned by company.

2. To and from other roads, specifying what.

For freight :

1. On main road and branches owned by company.

2. To and from other connecting roads.

U. S. mails.—Rents.

Total income, \$

Net earnings after deducting expenses.

DIVIDENDS.

Surplus not divided.

“ last year.

Total surplus.

Estimated depreciations beyond the renewals, viz :—

Road and bridges.

Buildings.

Engines and cars.

Secretary to
furnish tables
for returns, in
November, an-
nually.

SECTION 2. The Secretary of the Commonwealth shall furnish a table, prepared in conformity with the provisions of the foregoing section, to every such rail-road corporation, in the month of November, annually.

SECTION 3. Such annual return shall also state whether any fatal accident or serious injury has occurred to any passenger or other person upon any rail-road, in reference to which such return is made, during the period covered by said report; and if so, the cause of such accident or injury, and the circumstances under which it occurred.

Return casualties, and their causes and circumstances.

SECTION 4. If the directors of any rail-road corporation shall find it impracticable to return all the items in detail required by this act, they shall, in their next annual return, state the reasons why such details cannot be given. [*Approved by the Governor, April 16, 1846.*]

Reasons of deficiencies to be reported.

An Act to incorporate the Polishing Brick Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Chap 252.

SECTION 1. William H. Peet, Timothy K. Blaisdell, Francis O. Irish, their associates and successors, are hereby made a corporation, by the name of the Polishing Brick Manufacturing Company, for the purpose of manufacturing polishing brick, in the town of Chelsea, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture polishing brick in Chelsea.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate not exceeding thirty thousand dollars, and the whole capital stock shall not exceed sixty thousand dollars. [*Approved by the Governor, April 16, 1846.*]

Real estate not to exceed \$30,000, and capital stock \$60,000.

An Act in addition to "An Act to incorporate the First Methodist Episcopal Society in the town of Lowell."

Chap 253.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Hopkinson, Tappan Wentworth, Stephen Mansur and Joshua Swan, shall be and they are hereby appointed and declared the trustees of the "First Methodist Episcopal Society in the town of Lowell," with all the powers set forth in the act, to which this is an addition, passed February 21, 1827.

Persons appointed and declared trustees.

SECTION 2. In addition to the powers heretofore granted to the trustees of said society, they shall have power, upon the written request of a majority in interest of the proprietors of the meeting-house, to sell and dispose of said meeting-house, and to execute a deed of the same for the purpose of paying out of the net proceeds of such sale, the debts of said society and the charges upon said house, and dividing the surplus *pro rata* among the proprietors in said house.

Trustees to sell the meeting-house for the purpose of paying the debts of the society, &c., upon the written request of a majority of the proprietors.

SECTION 3. In case of vacancy in the board of trustees Governor to fill

vacancy in
board of trust-
ees.

When to take
effect.

aforesaid, the Governor is hereby authorized to fill the vacancy.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

Chap 254.

An Act to incorporate the Wrentham and Foxborough Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Martin Torrey, William a Crocker, Melatiah Everett, Abraham H. Howland, Samuel Warner, Jr., Aaron Hobart, John M. Everett, Edson Carpenter, Don Carlos Hawes, Henry Hobart, Oliver Felt, and Rhodes Sheldon, their associates and successors, are hereby made a corporation, by the name of the Wrentham and Foxborough Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other statutes which have been, or shall be hereafter passed, relating to rail-road corporations.

Location of
road.

SECTION 2. Said company may construct a rail-road from some point at or near the depot of the Boston and Providence Rail-road, in Mansfield, at the termination of the Taunton Branch Rail-road; thence northwesterly and southwesterly, on the most convenient line, through the towns of Mansfield, Foxborough, Wrentham and Bellingham, to the line of Cumberland, in the state of Rhode Island, near the southeast corner of the town of Blackstone, passing near Foxborough and Wrentham Centres, near Sheldonville, the Universalist Meeting-house, and Luke Jenckes' house, in West Wrentham.

Capital stock
not to exceed
\$350,000, in
shares of \$100.

SECTION 2. The capital stock of said corporation shall consist of not more than three thousand and five hundred shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon, of a greater amount in the whole, than one hundred dollars on each share; and said company may take, purchase and hold such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the use of said rail-road, and for the transportation of passengers, goods and merchandise.

Investment.

May enter upon
and use the
Boston and Pro-
vidence, and
Taunton
Branch Rail-
roads.

SECTION 4. Said company may enter upon, and unite their rail-road, by proper turnouts and switches, with the rail-road of the Boston and Providence Rail-road Company, and the rail-road of said Taunton Branch Rail-road Company, at the depot in Mansfield, and use such last-named rail-roads, or any part thereof, according to the provisions of law.

SECTION 5. The Legislature may authorize any other rail-road company to enter with another rail-road upon and use the said Wrentham and Foxborough Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Wrentham and Foxborough Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may authorize its use by any other company.

SECTION 6. The said company are hereby authorized to expend, of their capital stock, such sum as the directors may deem expedient, for the purposes of connecting said rail-road with the Providence and Worcester Rail-road, in or near the village of Woonsocket, in the town of Cumberland and State of Rhode Island, for the laying of a track from the line of Massachusetts to said Woonsocket, for the purpose of depot accommodations, and of such other arrangements as may be necessary to effect and complete the connexion between the rail-roads aforesaid.

May connect with Providence and Worcester Rail-road, &c.

SECTION 7. One or more of the directors or other officers of said company, shall be an inhabitant of this Commonwealth, on whom process against said company may be legally served, and said company shall be held to answer in the jurisdiction where the service is made, and the process is returnable.

One officer of the corporation must be an inhabitant of Massachusetts.

SECTION 8. If the location of said rail-road shall not be filed, according to law, within two years from the passage of this act, or if said company shall not complete said rail-road to the extent provided for in the second section of this act, according to the terms therein stated, within three years from the passage of this act, then this act shall be null and void.

Time for location and completion of road.

SECTION 9. The Legislature may, after the expiration of five years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of toll or other profits upon said rail-road, but the said tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum, upon the investment of said company.

The Legislature may reduce tolls and profits after five years;

Provided, &c.

SECTION 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

When to take effect.

An Act to incorporate the Bedford Rail-road Company.

Chap 255.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Stiles, Phinehas W. Chamberlin, John Merriam, Jonas Munroe, Nathaniel C. Cutler and William Clarke, their associates and successors, are hereby made a corporation, by the name of the Bedford Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the

Persons incorporated.

forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes, which relates to rail-road corporations, and in all general laws which are now, or may be hereafter, in force, relating to rail-road corporations in this Commonwealth.

Capital stock
not to exceed
\$100,000, in
shares of \$100.

SECTION 2. The capital stock of said corporation shall not exceed one thousand shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Location of
road.

SECTION 3. The said company may locate, construct and maintain a rail-road, with one or more tracks, beginning at a convenient point for the accommodation of the public, near to the centre village, in Bedford, thence passing through the southeasterly part of said Bedford, and the northwesterly part of the town of Lexington, on the most feasible route for constructing a rail-road, to a point most convenient for entering upon the Lexington and West Cambridge Rail-road, near the termination of said road, in the town of Lexington.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If the said company be not organized, and the location of their said road filed, according to law, within two years, and, if said road be not completed and opened for use, within four years from the passage of this act, then this act shall be void.

May enter upon
and use the
Lexington and
West Cam-
bridge Rail-
road.

SECTION 5. Said company may enter with their rail-road upon the Lexington and West Cambridge Rail-road, at the most convenient point in the town of Lexington, and use the same, or any part thereof, according to the provisions of law.

The Legislature
may, from time
to time, reduce
tolls and profits;
Provided, &c.

SECTION 6. The Legislature may, from time to time, reduce the rate of toll, or other receipts on said rail-road, whenever the net income thereof shall exceed ten per cent. per annum; but the toll or other receipts shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on the investment in said company.

The Legislature
may authorize
its use by any
other company.

SECTION 7. The Legislature may authorize any company to enter with their rail-road, at any point on the said Bedford Rail-road, and use the same, or any part thereof, by complying with such reasonable rules and regulations as the said Bedford Rail-road Company may prescribe, or as may be determined according to the provisions of law.

May transfer
rights, &c., to
the Lexington
and West Cam-
bridge Compa-
ny, &c.

SECTION 8. The said company may transfer their rights, privileges and franchises under this charter, to the Lexington and West Cambridge Rail-road Company, whenever a majority in interest of the stockholders of the aforesaid cor-

porations, shall elect so to do; or, if the said Bedford Railroad Company shall not, within the time specified in the fourth section of this act, file the location of their road according to law, then the said Lexington and West Cambridge Rail-road Company, or their successors, may, within one year after the expiration of said time, locate, construct and maintain said road, on the route provided in this act; and, in either case, for the purposes contained in this section, the said Lexington and West Cambridge Rail-road Corporation, shall have and exercise, all the rights, privileges and powers, and be subject to all the duties, liabilities, and restrictions, contained in this act, and for the same purposes, the said Lexington and West Cambridge Rail-road Corporation are hereby authorized to increase their capital stock one hundred thousand dollars.

Or said company may locate road, &c.
Provided, &c.

and in either case, said road may increase its capital by \$100,000.

SECTION 9. This act shall take effect from and after its passage. *[Approved by the Governor, April 16, 1846.]* When to take effect.

An Act to establish the Salary of the Register of Probate for the County of Barnstable.

Chap 256.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The register of probate for the county of Barnstable shall receive an annual salary of five hundred dollars, payable quarterly, instead of the salary which he now receives.

Annual salary to be \$500, &c.

SECTION 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-six. *[Approved by the Governor, April 16, 1846.]*

When to take effect.

An Act to change the Names of the Persons therein mentioned.

Chap 257.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ruth Castles may take the name of Ruth Cobb; Henry Castles may take the name of Charles Henry Cobb; Thomas Coffin Amory may take the name of Thomas C. Amory; Sylvia Fellows Mudget may take the name of Sylvia Fellows Thomas; George B. Kehew may take the name of George B. Appleton; Nathaniel Baker may take the name of Henry Smith Baker; Albert Callender may take the name of Charles Albert Callender; William Sewall Murphy, minor son of widow Sarah L. Pool, may take the name of William Sewall; Samuel Hutchinson Parkhurst may take the name of Julius Thorn Parkhurst; George Vincer may take the name of Edwin Vincer Welch; Mary Whitten may take the name of Mary Wilbur; Caroline Maria Haynes, minor, may take the name of Caroline Maria Crane; Joseph Joost may take the name of Joseph Joost

Suffolk.

Hewes; William Gray may take the name of William Chandler Gray; Josiah Battes may take the name of Josiah Winslow Battes; Stephen Briant Stephenson may take the name of Briant Stephenson; Lewis Clark may take the name of George Lewis Clark; Dolly Miller may take the name of Eliza May Miller; Henry Foster may take the name of Henry Haven Foster; William Cowen Alexander Gault may take the name of William Gault; Maria Cloutman may take the name of Maria Brown; Eliza Daws Cloutman may take the name of Eliza Daws Brown; Joseph Henry Towne may take the name of Joseph Hardy Towne; Thomas Sawyer may take the name of Oliver Thomas Sawyer; John Bottum may take the name of John Botume, also, John Bottum, Jr., minor son of John Bottum, may take the name of John Botume, junior; Elizabeth Hale Rowell may take the name of Elizabeth Hale, also, that her minor children, Elizabeth Christiana, Mena Douglas, Gertrude Corriana, and Howard Augustus, may severally take the surname of Hale; Caroline S. Thwing may take the name of Elizabeth Barnes Thwing; William Rice may take the name of William Adams Rice; Elizabeth Cushing may take the name of Elizabeth Lane Cushing; Abby Tryphenia Knox, adopted daughter of George A. Parish, may take the name of Abby Tryphenia Parish; Peter Pearce Hutchinson may take the name of Pearce Huchins; Almira Gilpatrick may take the name of Almira Gill; William Davenport Irish may take the name of William Davenport, also his family, Deborah, Sarah Frances, William, George Edward, John Henry, Benjamin Franklin, may severally take the surname of Davenport; Jesse Ross Rhodes may take the name of Jesse Rhodes Mayo; severally of the city of Boston, all of the county of Suffolk.

Essex.

James Hambleton Hill may take the name of Horace Lane Hill; Francis Ashton Monarch may take the name of Francis Monarch Ashton; Theodore Monarch may take the name of Theodore Ashton; Harriot Webb may take the name of Harriot Northey Webb, severally of the city of Salem; George Gordon Murphy may take the name of George Gordon Mosely; Lydia Gordon Murphy may take the name of Lydia Amanda Mosely; Mary Elizabeth Murphy, minor, may take the name of Mary Elizabeth Susannah Mosely; George Francis Murphy, minor, may take the name of George Francis Mosely; James Blackey may take the name of James Blackey Dennison; Edward Newell Gilson may take the name Edward Sylvanus Newhall; Anna G. Shove, minor, may take the name of Anna S. Johnson; Gilbert Boyce, junior, may take the name of Gilbert Russell Boyce; Elijah Hedding Alley may take the name of Freeman Alley, severally of the town of Lynn; William McConnel, of Georgetown, may take the name of William

Corliss; Thomas L. Lucy may take the name of George Hudson; Elizabeth P. Lucy, (his wife) may take the name of Lucy Hudson; John W. Lucy, Helen L. Lucy, Martha J. Lucy and Charles T. Lucy, their minor children, may take the surname of Hudson; Samuel Miller Somes may take the name of Alvan Moroni Monteirh, severally of the town of Bradford; Adeline Mears Brown, of Ipswich, may take the name of Abby Ann Brown; Hipsabeth P. Wiggin, of the town of Danvers, may take the name of Elizabeth P. Wiggin; William Pousland may take the name of William Pousland Friend; Nancy Stephens Pousland may take the name of Nancy Stephens Friend; William Stephens Pousland, minor, may take the name of William Stephens Friend; James Hill Pousland, minor, may take the name of James Hill Friend, severally of the town of Beverly. Polly Smith, of Salisbury, may take the name of Mary Jane Smith; Charles Morris Chace, of Newburyport, minor, may take the name of Edwin Bayley Chace; Jonathan Andrew, of Salem, may take the name of John Andrew; Benjamin Harris Saunders, of Rowley, a minor, may take the name of Amos Joseph Saunders; Abigail Pike, a minor, daughter of True Pike, of Salisbury, may take the name of Mary Abigail Pike; Jeremiah Farnham, a minor, of Andover, may take the name of Charles Farnham, all of the county of Essex.

Augustus Fitzaubut Richards, of Natick, minor, may take the name of George Fuller; John Franklin Nealy, of Wayland, may take the name of Franklin Foster; Mary S. Nealy, of Wayland, may take the name of Mary Foster; John Ingalls Wiley, of South Reading, minor, may take the name of Elmer Alonzo Willis; Henry McIntire, of Reading, may take the name of Henry Clay; Elizabeth Jane Donahoe, of Lowell, minor, may take the name of Lydia Anna Nealy; Leander Shelton, of Cambridge, may take the name Leander Lincoln; Mary C. Shelton, of Cambridge, may take the name of Mary C. Lincoln; also, Sarah E. Shelton, John L. Shelton, Martha J. Shelton, Henry C. Shelton, Mary E. R. Shelton, and Angeline C. Shelton, may severally take the surname of Lincoln; Roxanna B. Davis, of Cambridge, may take the name of Ann B. Davis; James Western Babcock, of Framingham, may take the name of James Austin Eliot; Caroline Lucinda Beck, adopted daughter of James M. Beal, of Natick, may take the name of Caroline Lucinda Beal; Oliver Rice, of Sudbury, may take the name of Oliver Richard Rice; James Whiting, of Charlestown, may take the name of James Henry Whiting; Comfort Harriet Corson, of Lowell, may take the name of Hellen Marr Corson; Phillip Coverly, of Brighton, may take the name of Edward Marshall Abbott; Frederick Buckingham, minor, of Cambridge, may take the name of Fred-

Middlesex.

erick Alexander Buckingham; George Washington Aiken, of Watertown, may take the name of Certus Imus Aiken; George Fuller, of Newton, may take the name of Charles Jeremiah Fuller; Eliza Jane Nickerson, minor, adopted daughter of William and Caroline M. Howe, of Lowell, may take the name of Eliza Auburn Howe; Gamaliel Bradford, of Charlestown, may take the name of Alden Howard Bradford; Mary Miller, of Holliston, minor, may take the name of Mary Jones Miller; Julia Ann Caine, the wife of Henry Caine, of Woburn, who has taken the surname of Wendall, may now take the surname of Wendall, also his daughter, Luella Bell Caine, may take the name of Julia Ann Wendall; Mary Cornell, of Framingham, may take the name of Mary Clara Hemmenway; Charles Watkins, adopted son of William Wight, of Holliston, may take the name of Charles Winthrop Wight; Adolphus C. Sebalt, of Lowell, may take the name of Charles Thompson; Lydia Richardson, of Chelmsford, may take the name of Lydia Richardson Warren; Anna S. Green, of Holliston, may take the name of Ann Smith; Theophilus Bigelow, of Holliston, may take the name of Richard Bigelow; George L. Avery, of Malden, may take the name of James Conant Austin; Guy Slade Burroughs, of Sudbury, may take the name of George Burroughs; Dolly D. Brown, of Stoneham, may take the name of Mary Davis Brown; John Aloysius Hanner, of Somerville, a minor, adopted son of George W. Beck, may take the name of John Aloysius Beck; Daniel Forbes, of Charlestown, may take the name of Daniel H. Forbes; Emily Amelia Winship, a minor, daughter of Jonathan Winship, of Brighton, may take the name of Amelia Merriam Winship; Levi Bartlett Thyng, of Lowell, may take the name of Levi Bartlett Tyng,—all of the county of Middlesex.

Worcester.

Eleazer Allen Battell, of the town of Worcester, may take the name of Allen E. Battell; Lemuel Newton, of Hardwick, may take the name of Stephen Eleazer Newton; Samuel Allen, of Grafton, may take the name of Samuel Home Allen; John Wetherell, Junior, of Oxford, may take the name of John Wolcott Wetherell; Mahala Hoit, of Milford, may take the name of Mahala Hoit Cook; Desire Goddard, wife of Elisha Goddard, of the town of Princeton, may take the name of Sarah Desire Goddard; Amanda Zurriah Stewart, of Upton, may take the name of Amanda Zurriah Webster; Eliza Ann Pratt, of Worcester, may take the name of Eliza Ann Brewer; David Sylvester Clark, of Royalston, minor, may take the name of David Sylvester Brown; Harvey Allen, of Princeton, may take the name of Harvey Wilbur Allen; Persis Elizabeth Weld, of Charlton, may take the name of Elizabeth Weld; Antoinette G. York, of Upton, may take the name of Jane Maria Walker;

Charles Smith Straw, of Worcester, may take the name of Charles Smith Lee; John Waldo Lincoln, of Worcester, counsellor at law, may take the name of Edward Winslow Lincoln; Algernon S. Crawford, of Barre, may take the name of Algernon S. Butler; Julia Sophronia Ruble, adopted daughter of Simon Hubbard, of Holden, may take the name of Julia Caroline Hubbard; Joshua L. Knight, of Leicester, may take the name of Charles S. Knight, all of the county of Worcester.

Henry Graves, of Northampton, may take the name of Hampshire. Henry Graves Moore; Cyrus M. Bartlett, of Worthington, may take the name of Cyrus M. Parsons; Sedate Manly Thayer, of Northampton, may take the name of Manly Sedate Thayer; Edward McIntire, of Springfield, may take the name of Edward West; Sarah Burnell, of Northampton, may take the name of Sarah Burnell Breck; Medad Russell Wright, of Easthampton, may take the name of Russell Medad Wright; John Smith, of Amherst, may take the name of Hervey John Smith; Lewis Joy, of Amherst, may take the name of Lewis Everet Joy, all of the county of Hampshire.

Mary Taft, of Springfield, county of Hampden, adopted daughter of Edward M. Joy, may take the name of Lillian Almeria Joy; Elizabeth Antoinette Chase, adopted daughter of Henry R. Vaille, of Springfield, may take the name of Elizabeth Pitman Vaille; Alonzo Stearns, of Williamsburg, may take the name of Alonzo Lysander Stearns, all of the county of Hampden.

Oliver Death, of Wendell, may take the name of Oliver Davis; Sally Death, of Wendell, may take the name of Sally Davis; also their children, viz: William S., Eliza, Oliver, Mary E., Benjamin, Royal Francis, Hannah Jane, Sarah Ann, Eliza Sophronia, may severally take the surname of Davis; John Sumner Mudge, of Northfield, may take the name of John Green Mudge; Sabra Willis Carlton, of Buckland, minor, may take the name of Sabra Maranca Carlton; William Dwight Monk, of Deerfield, may take the name of William Dwight; Candace M. Master, of Buckland, may take the name of Candace Carr Howard; Daniel Sweetland, of Bernardston, adopted son of Richard Montague, may take the name of Daniel Richard Montague; Wealthy Minerva Roxana Trask, of Leverett, may take the name of Wealthy Roxana Cowles; also her two minor children, Sarah Maria, and George Evens, may severally take the surname of Cowles; Leander Morton, of Whately, may take the name of Leander Lincoln Morton, all of the county of Franklin.

King Williams, of Stockbridge, to take the name of King Sacket Williams; Charity Johnson, of Becket, may take the name of Charity Whitmore, all of the county of Berkshire.

Norfolk.

William Leland, of Roxbury, may take the name of William Sherman Leland; Edward Gill, of Quincy, may take the name of Edward Howard Gill; Lafayette Whitney, of Braintree, may take the name of Lewis Lafayette Whitney; Mary T. Fisher, of Franklin, may take the name of Mary Thurston; Harlows Whitney, Junior, of Wrentham, may take the name of Gustavus H. Whitney; Augustine Joshua Bryant, of Milton, may take the name of Augustus Bryant; Ferdinand Clark, of Roxbury, may take the name of Ferdinand Nimrod Clark; Josephine Friedham Wright, adopted daughter of J. W. Parkhurst, of Dedham, may take the name of Mary Josephine Parkhurst; Margaret Howe Brown, of Dorchester, may take the name of Margaret Howe,—all of the county of Norfolk.

Bristol.

John Wilson, of Fall River, may take the name of John Yates Wilson; Jonathan Soule, of Westport, may take the name of Jonathan P. Soule; Orin Bassett, of Taunton, may take the name of Orin Larnard Bassett; Sarah Brown, of Norton, minor, may take the name of Sarah Hunt; William Armstrong Dobson, of Taunton, may take the name of William Armstrong; Eliphalet Robbins, 2d, of New Bedford, minor, may take the name of Eliphalet Howe Robbins; Mary Maccomber, of Westport, may take the name of Mary G. Macomber; Richard F. Marchant, of New Bedford, may take the name of Richard F. Merchant; Oliver Perry Coggsball, of Pawtucket, a minor and adopted son of David R. Sprague, may take the name of Oliver Coggsball Sprague,—all of the county of Bristol.

Plymouth.

Nathan Chandler McLauthlen, of Kingston, may take the name of Nathan Chandler; Elijah Lamb, of Abington, may take the name of Elijah Gay Morris; Rosella Ford Hatch, of Marshfield, minor daughter of David P. Hatch, may take the name of Mary Dyke Ames Hatch; Ellis P. Richards, of North Bridgewater, adopted child of Lyman Clark, may take the name of William Ellis Clark; also, Sarah A. Richards, adopted child of Lyman Clark, may take the name of Caroline Augusta Clark; Olive W. Faunce, of North Bridgewater, may take the name of Ellen Maria Faunce; Ebenezer D. Trickey, of Chatham, may take the name of Ebenezer D. Trakez; Patience Jane Trickey, his wife, may take the name of Patience Jane Trakez; Hester Ann R. Trickey, a minor daughter, may take the name of Hester Ann R. Trakez; Charles Henry Hall, of Marshfield, may take the name of Charles Henry Austin,—all of the county of Plymouth.

Barnstable.

Ruthy Chase, wife of Lysander Chase, of Yarmouth, may take the name of Ruth Chase; Jonathan Franch Whorf, of Provincetown, may take the name of Charles Francis Whorf; Polly Bassett Fairfield, of Yarmouth, may take the name of Mary Bassett Fairfield; Tabitha Atwood,

of Brewster, may take the name of Abby Atwood; Marshall Underwood, of Dennis, may take the name of Marshall Sears Underwood; Mary Helan Wixson, of Dennis, minor, may take the name of Susan Helan Wixson; Joseph Baker, a minor, of Dennis, may take the name of Joseph Kelly Baker,—all of the county of Barnstable.

Moses Starbuck, a minor son of widow Mary Ann Starbuck, of Nantucket, may take the name of Albert Wilson Starbuck, county of Nantucket,—and the several persons before named, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume, as aforesaid, and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, April 16, 1846.*]

An Act in relation to the Winchendon Rail-road Corporation.

Chap 258.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. An act entitled "An Act to establish the Winchendon Rail-road Corporation," passed on the thirteenth day of March, in the year one thousand eight hundred and forty-five, is so far amended, that the said Winchendon Rail-road Corporation is hereby authorized and empowered immediately to locate, construct, and extend their rail-road through the town of Winchendon, to some convenient point on the Vermont and Massachusetts Rail-road, in the town of Ashburnham, northerly of the termination of the steep, continuous, equal grade, at the summit, in said town, or to any convenient point below in said Ashburnham, Gardner, or Westminster, northerly of Whitmansville, at or near the point, from which said last mentioned road may diverge from its present direction, or to which it may be relinquished, as provided in the next following section, with liberty, at said point, to enter with their rail-road upon said last named rail-road, and to use the same agreeably to the provisions of the laws of the Commonwealth relating thereto; and, for the purposes aforesaid, the said Winchendon Rail-road Corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, consistent therewith, contained in their act of incorporation aforesaid.

Road may be located, &c., immediately through Winchendon, &c.

SECTION 2. If the said Vermont and Massachusetts Rail-road Corporation shall elect to relinquish, to the use of the Winchendon Rail-road Corporation, that portion of their road now in progress of construction, and being in Ashburnham, Gardner and Westminster northerly of Whitmansville, and of their point of divergence, or any continuous northerly part of said portion, which shall terminate at a point, convenient for the junction of the two roads, and shall give

May enter upon and complete construction of part of Vermont and Massachusetts Rail-road.

Provided, &c.

notice thereof to either of the grantees named in the charter of said Winchendon Rail-road Corporation, in writing, on or before the first day of July next, and shall continue the work thereon until said notice shall be given, the last-mentioned corporation shall then have the right to enter thereon and complete the construction thereof, and, whether they are the same or not, shall, within sixty days after the said Vermont and Massachusetts Rail-road Corporation shall have exhibited to them a true and just account of the expenditures hereinafter named, pay to them whatever sum or sums they shall have expended in locating and grading the part relinquished, and in obtaining the right of way, from Winchendon Village to the point of junction, so far as the said Winchendon Rail-road Corporation shall be benefited thereby, with interest thereon from the date of such expenditure.

And shall pay expenses, &c., with interest.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

Chap 259.

An Act to change the Name of the United Corporation of the Middleborough Rail-road Corporation with the Fall River Branch Rail-road Company, and the Randolph and Bridgewater Rail-road Corporation, and for other purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May take the name of the Fall River Rail-road Company.

SECTION 1. The United Corporation of the Middleborough Rail-road Corporation with the Fall River Branch Rail-road Company and the Randolph and Bridgewater Rail-road Corporation, may take the name of the Fall River Rail-road Company, and be hereafter known by said last mentioned name.

Ratification of the doings of the several corporations in relation to the union.

SECTION 2. The acts and doings of the said United Corporation, and of each of the several corporations composing the same, in whatever relates to the union thereof, are hereby confirmed and rendered valid and effectual.

Fall River Rail-road Company to extend, &c., a road. Location.

SECTION 3. The said Fall River Rail-road Company is hereby authorized to extend, construct and maintain a railroad from a point at or near its depot, in Fall River, in a southwesterly direction, and westerly of the house of William R. Robeson, to the line of the State of Rhode Island; and for that purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to rail-road corporations, and in the public statutes which have been or may be passed relating to such corporations: *provided*, that if the location of said extension shall not be filed according to law, within two years, or if the same shall not be completed within four years from the passage of this act, this section shall be void.

Time for location and completion of road.

SECTION 4. The sixth section of the act incorporating the Fall River Branch Rail-road Company, approved on the fourteenth day of March, in the year one thousand eight hundred and forty-four, is hereby repealed, from and after the time when the road of the said Fall River Rail-road Company shall be completed and go into operation, from Braintree to the point of crossing the track of the New Bedford and Taunton Rail-road.

Right to enter on New Bedford and Taunton Road to cease, after completion of road, &c.

SECTION 5. The time allowed for filing the location of that portion of the road of the aforesaid united corporation which was authorized by the Middleborough Rail-road Corporation, is hereby extended until the first day of December next. [*Approved by the Governor, April 16, 1846.*]

Time for filing location of part of road extended to December 1, 1846.

An Act establishing the Salaries of the Justices of the Court of Common Pleas.

Chap 260.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The chief justice of the court of common pleas, shall receive an annual salary of twenty-one hundred dollars, and each of the other justices of said court shall receive an annual salary of eighteen hundred dollars; and the said salaries shall be paid in quarterly payments out of the treasury of the Commonwealth, and in the same proportion for any part of a quarter.

Annual salary of chief justice to be \$2100, and of justices \$1800 each.

SECTION 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-six. [*Approved by the Governor, April 16, 1846.*]

When to take effect.

An Act to establish the Watertown Branch Rail-road.

Chap 261.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles Bemis, Benjamin Dana, Josiah Stickney, their associates and successors, are hereby made a corporation, by the name of the Watertown Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws which have been, or shall be, subsequently passed, relative to rail-road corporations.

Persons incorporated.

SECTION 2. Said company is hereby empowered to locate, construct, and maintain, with one or more tracks, a branch rail-road, commencing in Watertown, at a point near the Bemis factory, and not west thereof, and thence running on the northerly side of Charles River, through or near the village of Watertown, to some convenient point of junction

Location of road.

with the Fresh Pond Branch of the Charlestown Branch Rail-road, on the easterly side of Fresh Pond, in Cambridge.

Capital stock
not to exceed
\$120,000, in
shares of \$100.

SECTION 3. The capital stock of said corporation shall consist of not more than twelve hundred shares, the number of which shall, from time to time, be determined by the directors of said company. And no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If the location of said rail-road shall not be filed within one year, and said rail-road be not constructed within two years from the passage of this act, then the same shall be void.

May enter upon
and use the
Fresh Pond
Branch Rail-
road.

SECTION 5. Said company is hereby authorized to enter upon, and unite their rail-road, by proper turnouts and switches, with the said Fresh Pond Branch Rail-road, and use the same or any part thereof.

The Legislature
may authorize
its use by any
other company.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon and use the said Watertown Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations, as the said Watertown Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature
may reduce
tolls and profits
after 5 years ;
Provided, &c.

SECTION 7. The Legislature may, after the expiration of five years, from the time when the said Watertown Branch Rail-road shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road; but said toll shall not be so reduced, without the consent of said company, as to produce, with said profits, less than ten per cent. per annum, upon the investment of said company.

The Fitchburg
Rail-road Com-
pany may ac-
cept this charter
within the year,
and construct
the road, &c.,
and increase its
capital by
\$120,000.

SECTION 8. The Fitchburg Rail-road Company may, by a vote of the stockholders specially convened for that purpose, within the current year, elect to accept the charter hereby granted, and, in that case, may locate, construct, and maintain said branch rail-road, and succeed to hold and enjoy all the franchise, rights, and privileges hereby conferred, and be subject to all the duties, restrictions and liabilities hereby imposed, and may increase their capital stock to the extent hereby authorized; and, upon such election, the rights of the corporators first named shall cease and determine.

Road must
pass under
principal high-
ways near Mt.
Auburn.

SECTION 9. The rail-road hereby authorized to be constructed shall pass under all the principal highways which it crosses in the vicinity of Mount Auburn. [*Approved by the Governor, April 16, 1846.*]

An Act in addition to "An Act to incorporate the Vermont and Massachusetts Rail-road Corporation."

Chap 262.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The location of the Vermont and Massachusetts Rail-road may be filed at any time within one year from and after the termination of the present session of this Legislature; and said company shall be allowed the same time for completing all sections of their rail-road, above and westerly of the point of junction with the Winchendon Rail-road, as they now have for completing that part which lies west of Baldwinsville; and all forfeitures to which said company may be subject, under prior acts in relation to said company, by omitting to file their location, or to complete any portion of their rail-road west of said point of junction with said Winchendon Rail-road, in any shorter time, are hereby remitted. But in case said location shall not be filed, and said rail-road completed within the time limited by this act, the charter of said company shall be void.

Time for location and completion of road.

SECTION 2. Said company shall, within six months from and after the termination of the present session of this Legislature, elect whether their main road is to pass from Montague through Northfield, or from Montague through Greenfield and Bernardston, and shall file within said six months, a certificate of such election with the county commissioners for the county of Franklin, which filing shall be binding upon said company, as to the final location of their main road, unless such election be desired by the Connecticut River Rail-road Company, and such desire be so certified by them to the county commissioners for the county of Franklin, and to the Vermont and Massachusetts Rail-road Company.

Choice of location; filing of the same, &c.

SECTION 3. Said company, in locating and constructing that portion of their rail-road, which shall be between the point of junction aforesaid and South Royalston, are hereby empowered to adopt a route diverging from their present chartered line, in manner following, viz: commencing at some convenient point in Westminster, westwardly of Whitman's village, or in Gardner or Ashburnham; and thence running through the town of Gardner to the valley of the Otter River; and thence by such line as shall be found most feasible, through Templeton to a point in their chartered line, between Gibson's Mill and the village of South Royalston.

Route may be adopted for a portion of road, diverging from that of the charter.

SECTION 4. The said company, in relation to the new line of their rail-road hereby authorized, shall enjoy all the rights, powers and privileges, and be subject to all the duties,

Rights, &c., in relation to new road, to be the same as under the charter.

restrictions, liabilities and reservations set forth in their original charter.

Branch roads
may be built,
Provided, &c.

SECTION 5. In case said company shall elect to locate and construct their main road through the towns of Greenfield and Bernardston, as named in their charter, they are hereby authorized to build a branch road for the accommodation of the town of Northfield, diverging from the main trunk at some convenient point between Grout's Tavern in Montague and the Vermont line; thence running in the best direction to some point in the town of Northfield, east of Connecticut River. And in case said company shall locate and build their main road through Northfield, as named in their charter, they are hereby authorized to construct a branch road, commencing at some convenient point near said Grout's Tavern, and thence running across the Connecticut River, near the mouth of Deerfield River, and uniting with the Connecticut River Rail-road, in the town of Deerfield, near the Deerfield River, or any where between said Deerfield River and the village of Greenfield.

Branch road
may be built to
connect, &c.

SECTION 6. The Vermont and Massachusetts Rail-road Company and the Connecticut River Rail-road Company, or either of them, in case they shall agree thereto, and on such terms and in such a manner as they shall agree, may connect their roads by a branch rail-road, extending from some point on the Vermont and Massachusetts Rail-road, in Montague, to the Connecticut River Rail-road, in that part of Deerfield known as South Deerfield, crossing the Connecticut River by a bridge, at the point which they shall find most convenient for such purpose; and in the location and construction of such branch, shall be subject to the general provisions of this act, as far as they are applicable to the same: *provided, however*, that if such connection is formed, then the power granted by this act to the Vermont and Massachusetts Rail-road Company to build a branch road from some point near Grout's Tavern, in Montague, to the Connecticut River Rail-road, at or near Deerfield River or Greenfield, shall be void. [*Approved by the Governor, April 16, 1846.*]

Provided, &c.

Chap 263. An Act authorizing the Nashua and Lowell Rail-road Corporation to surrender a portion of the Middlesex Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter of part
of turnpike
may be surren-
dered.

SECTION 1. The Nashua and Lowell Rail-road Corporation may surrender the charter of that part of the Middlesex Turnpike belonging to them, which lies within the bounds of the towns of Tyngsboro' and Chelmsford, in the county of Middlesex, and the said Middlesex Turnpike Corporation, created by an act passed on the fifteenth day of June, in the

year one thousand eight hundred and five, is dissolved, and the surrender of the charter aforesaid is accepted, in conformity to the petition of the Nashua and Lowell Rail-road Corporation to that effect. Corporation dissolved.

SECTION 2. This act shall take effect and be in force on and after the first day of July next, and on said first day of July next, all said turnpike road of said corporation, excepting so much thereof as was allowed by the county commissioners, of the county of Middlesex, to be taken by the said Nashua and Lowell Rail-road Corporation, as part of the location for their rail-road, and which is now used by them, and excepting so much of said turnpike, as shall then have been laid out and established as a town or county road, shall be discontinued, and the said Nashua and Lowell Rail-road Corporation are hereby forever discharged from all liability to keep said turnpike, as such, in repair. *[Approved by the Governor, April 16, 1846.]* When to take effect.

An Act establishing the Salaries of the District Attorneys for the Middle and Western Districts of this Commonwealth.

Chap 264.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of April, in the year one thousand eight hundred and forty-six, the district attorneys of the middle and western districts of this Commonwealth, shall each receive a salary of eight hundred dollars a year: to be paid to them, severally, out of the treasury of the Commonwealth, in equal quarterly payments, in full for all services rendered by them in their respective offices. *[Approved by the Governor, April 16, 1846.]* Annual salaries to be \$800 each after April 1, 1846.

An Act authorizing the Connecticut River Rail-road Company to extend their Road.

Chap 265.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Connecticut River Rail-road Company may extend, construct, and open for use, their road from its present terminus, in the town of Greenfield, to any point on the north line of the State, west of the Connecticut River, in either of the towns of Bernardston or Northfield; and, in the location and construction of said road, shall have all the powers and privileges, and be subject to all the duties, liabilities and provisions, contained in that part of the thirty-ninth chapter of the Revised Statutes which relate to rail-road corporations, and in all general laws which are now, or may be hereafter, in force, relating to rail-road corporations in this Commonwealth. Road to be extended in certain directions.

May connect with rail-roads incorporated by the State of Vermont, &c.

SECTION 2. Said corporation may, at said State line, connect their rail-road with the rail-road of any company or companies which are, or may be, incorporated and established by the State of Vermont; or they may connect their road with the rail-road of the Vermont and Massachusetts Rail-road Company, at any convenient point between the said State line and the point where the rail-road of said last named company may cross the Connecticut River; and the said Connecticut River Rail-road Company may, at such point of connection, enter upon and use the rail-road of the said Vermont and Massachusetts Rail-road Company, subject to the provisions of law, in such cases made and provided.

Capital stock to be increased by not more than 5,000 shares of \$100 each.

SECTION 3. Said Connecticut River Rail-road Corporation are hereby authorized to increase their capital stock, by an amount not exceeding five hundred thousand dollars, by creating an additional number of shares, not exceeding five thousand shares of one hundred dollars each.

Time for location and completion of road.

SECTION 4. If the said company shall fail to file the location of their road with the county commissioners for the county of Franklin, within two years from, and after, the termination of the present session of this Legislature, or fail to complete and open for use their road within three years from, and after, the termination of the present session of this Legislature, or, if the Vermont and Massachusetts Rail-road Company shall take possession of the line of road described in this act, by virtue of the provisions of their charter, or of any act or acts in addition thereto, that have been, or may be, passed by this Legislature, at their present session, then this act shall be void.

When to take effect.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

Chap 266.

AN ACT concerning Warrants in cases of Bastardy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Warrants issued by police court, &c., may be executed by officers out of their county.

SECTION 1. The provisions of the third section of the one hundred and thirty-fifth chapter of the Revised Statutes, shall extend to warrants issued by any police court, or by any justice of the peace, within this Commonwealth, in pursuance of law, for the maintenance of bastard children.

Repeal of inconsistent provisions.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, April 16, 1846.*]

An Act to incorporate the West Acton and Boxborough Steam Mill Company. *Chap 267.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. James Mace, Silas Davis, Robert Chaffin, their associates and successors, are hereby made a corporation, by the name of the West Acton and Boxborough Steam Mill Company, for the purpose of erecting a steam mill in the town of Acton, county of Middlesex, for sawing lumber, grinding grain and plaster, planing boards, making sashes, blinds and doors, and for manufacture of wood, cotton and wool ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to erect a steam mill, &c., in Acton.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [*Approved by the Governor, April 16, 1846.*]

Estate not to exceed \$50,000.

An Act to establish the Salary of the Register of Probate for the County of Suffolk. *Chap 268.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The register of probate, for the county of Suffolk, shall receive an annual salary of two thousand dollars, payable quarterly, instead of the salary which he now receives.

Annual salary to be \$2,000.

SECTION 2. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-six. [*Approved by the Governor, April 16, 1846.*]

When to take effect.

An Act to incorporate the Framingham Branch Rail-road Company. *Chap 269.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Rufus Brewer, John Wenzell, Benjamin Wheeler, Horace Heard, Isaac Fiske, their associates and successors, are hereby made a corporation, by the name of the Framingham Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, which relates to rail-road corporations, and in all general laws which are now or may be hereafter in force, relating to rail-road corporations in this Commonwealth.

Persons incorporated.

SECTION 2. The capital stock of said company shall not exceed two thousand shares, the number of which shall be

Capital stock not to exceed

\$200,000, in
shares of \$100.

determined, from time to time, by the directors thereof: and no assessments shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and said company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Location of
road.

SECTION 3. The said company may locate, construct and maintain a rail-road, with one or more tracks, beginning at a point convenient for the accommodation of the public, in or near to the Centre Village, in Framingham, thence passing easterly near Saxonville Village, in said town, crossing the southerly part of the town of Sudbury, thence near to the Centre Villages of the towns of Wayland and Weston, to a point most convenient for entering upon the Fitchburg Rail-road, in the said town of Weston.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If the said company be not organized, and the location of their said road filed, according to law, within one year, and if said road be not completed and opened for use within two years from the passage of this act, then this act shall be void.

May enter upon
and use the
Fitchburg Rail-
road.

SECTION 5. Said company may enter with their rail-road upon the Fitchburg Rail-road, at the most convenient point in the town of Weston, and use the same or any part thereof according to the provisions of law.

The Legislature
may, from time
to time, reduce
tolls or profits,
Provided, &c.

SECTION 6. The Legislature may, from time to time, alter or reduce the rate of tolls or other profits on said road, but said tolls and other profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on the investment of said company.

The Legislature
may authorize
its use by any
other company.

SECTION 7. The Legislature may authorize any other rail-road company to enter with their rail-road, at any point on the said Framingham Branch Rail-road, and use the same or any part thereof, by complying with such reasonable rules and regulations as the said Framingham Branch Company may prescribe, or as may be determined according to the provisions of law.

When to take
effect.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

Chap 270.

An Act to incorporate the Ontonagon Copper Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated,

SECTION 1. Amory Holbrook, Richard N. Berry, Alfred A. Abbott, their associates and successors, are hereby made a corporation, by the name of the Ontonagon Copper Company, for the purpose of manufacturing copper in the city of Salem, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set

to manufacture
copper in Sa-
lem.

forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars. [*Approved by the Governor, April 16, 1846.*]

Real estate not to exceed \$100,000, and capital stock \$300,000.

An Act relating to Rail-roads.

Chap 271.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Every rail-road corporation which may hereafter construct a rail-road across any turnpike, highway or town way, shall construct it so as to cross over or under the turnpike, highway or town way. And if the rail-road shall be constructed to cross over the turnpike, highway or town way, a sufficient space shall be left under the rail-road conveniently to accommodate the travel upon the turnpike, highway or town way. And such rail-road corporation shall build, keep up and maintain in good repair, such bridges, with suitable and convenient approaches thereto, as may be required to accommodate the travel upon the turnpike, highway or town way, over such crossing, except such as are provided for in the second section.

Rail-roads must cross highways, &c., on a different level, &c.

SECTION 2. The county commissioners of the county in which such crossing is situated, upon the application of the rail-road corporation, or of the proprietors of the turnpike, or of the selectmen of the town, or of the mayor and aldermen of the city in which the crossing is situated, after due notice to the rail-road corporation, the proprietors of the turnpike and such selectmen, or mayor and aldermen, not being themselves the applicants, and to any other persons or parties, as they may direct, and after hearing the parties, may authorize and require the rail-road corporation to construct their rail-road, at such crossing, upon a level with the turnpike, highway or town way, in such manner as they may direct; and, if they shall consider it necessary, may require the rail-road corporation to erect and maintain a gate across the rail-road at such crossing, and to provide an agent to open and close the same, as is provided in the eightieth section of the thirty-ninth chapter of the Revised Statutes. And the rail-road corporation shall pay the cost of every such application, excepting in cases where the county commissioners shall deny the application of the proprietors of a turnpike, or the selectmen of any town, or the mayor and aldermen of any city.

But county commissioners after application, &c., and notice, &c., may require rail roads to cross on the same level, &c.

Payment of costs of application.

SECTION 3. Every rail-road corporation shall erect and maintain suitable fences, with convenient bars, gates, or openings therein, at such places as may reasonably be re-

Rail-road companies must erect fences, &c.

quired, upon both sides of the entire length of any rail-road which they may hereafter construct, except at the crossings of any turnpike, highway, or other way, or in places where the convenient use of the rail-road would be obstructed thereby. And shall also construct and maintain sufficient barriers, at such places as may be necessary, where it is practicable to do so, to prevent the entrance of cattle upon the rail-road.

Penalty for
neglect.

SECTION 4. Any rail-road corporation which shall unreasonably neglect to comply with any of the provisions of this act, shall, for each and every such neglect, forfeit a sum not exceeding two hundred dollars, for every month during which such neglect shall have continued. [*Approved by the Governor, April 16, 1846.*]

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVE on the Petition of William C. Read.

Resolved, for reasons set forth in said petition, that there be paid to William C. Read, out of the treasury of the Commonwealth, the sum of seventy-five dollars per annum, for two years, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, Jan. 28, 1846.]

Chap. 1.

Annual allowance of \$75 for two years.

RESOLVE to pay Sundry Miscellaneous Accounts omitted last year.

Resolved, That there be allowed and paid to the several persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to two hundred and twenty-eight dollars and forty-five cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [Approved by the Governor, Jan. 28, 1846.]

Chap. 2.

Allowance of \$228 45.

RESOLVE authorizing the Adjutant General to convey certain Lands.

Resolved, That the adjutant general be, and he is hereby authorized to sell and convey, by deed or otherwise, the gun house and land on which it stands, in the town of Monson, and the land on which a gun house lately stood in the town of Barre, and to account with the treasurer of the Commonwealth for the net proceeds of such sales. [Approved by the Governor, Jan. 28, 1846.]

Chap. 3.

Adjutant General to sell land and gun house in Monson, and land in Barre, &c.

RESOLVE on the Petition of Frederick Wm. Paine.

Resolved, for reasons set forth in said petition, that the said Frederick Wm. Paine, trustee under a deed from Henry Paine and Charles Paine to him, dated the fourth day of January, in the year of our Lord one thousand eight hundred and forty-one, or his successor in said trust, be, and he hereby is, authorized to sell, at public or private sale, and

Chap. 4.

Trustee under a deed from Henry Paine and Charles Paine authorized to sell real estate, &c.,

Provided, &c.

convey all that real estate held by him in trust under said deed, and to make and execute good and sufficient deeds thereof in fee simple, discharged of said trust, and to hold, invest, and dispose of the proceeds to the same uses and upon the same trusts that are provided in said deed, in regard to said real estate: *provided*, the said trustee shall first give bonds, with good and sufficient sureties, to the judge of probate for the county of Worcester, so to hold, invest, and dispose of said proceeds. [*Approved by the Governor, Feb. 2, 1846.*]

Chap. 5.

RESOLVE on the Petition of Charles Paine.

Executor and trustee under the will of Nathaniel Paine authorized to sell real estate, &c.

Resolved, for reasons set forth in said petition, that the said Charles Paine, surviving executor and trustee under the will of Nathaniel Paine, deceased, or his successor in said trust, be, and he hereby is, authorized to sell, at public or private sale, and convey all that real estate held by him in trust under said will, and to make and execute good and sufficient deeds thereof in fee simple, discharged of said trust, and to hold, invest, and dispose of the proceeds to the same uses, and upon the same trusts, that are provided in said will in regard to said real estate: *provided*, that the said trustee shall first give bonds to the judge of probate for the county of Worcester, with good and sufficient sureties, so to hold, invest, and dispose of said proceeds. [*Approved by the Governor, Feb. 2, 1846.*]

*Provided, &c.***Chap. 6.**

RESOLVE on the Petition of William Kidder.

Annual allowance of \$50 for three years.

Resolved, for reasons set forth in said petition, that there be paid to William Kidder, out of the treasury of the Commonwealth, fifty dollars a year, for three years, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 2, 1846.*]

Chap. 7.

RESOLVE on the Petition of Zabdiel B. Adams, Trustee.

Trustee under the will of Ziba Crosby authorized to sell real estate in Boston, &c.

Resolved, for reasons set forth in the petition, that Zabdiel B. Adams, as trustee under the will of the late Ziba Crosby, of the city of Boston, stabler, be, and he hereby is, fully authorized and empowered to make sale of and convey to, Hugh R. Kendall, of Brookline, Esquire, in fee simple, that portion of the real estate, with the buildings thereon, situate on Batterymarch street, in Boston aforesaid, which is now held by the said Adams, or which he may be entitled to hold in possession, remainder, or reversion, in his capacity of trustee as aforesaid, at, and for the price or consideration of one thousand nine hundred and twelve dollars; and upon the receipt of said consideration, to execute, acknowledge, and deliver to said Kendall such deed or deeds as shall be requisite or proper to pass the title to said Kendall, who may thereafter hold the same free, and discharged of and from

the trusts declared concerning the same in and by the said will, and the said Adams shall stand possessed of and chargeable with the purchase money and the interest thereof under said will, upon the same trusts, and for the same purposes for which said real estate, or the right thereto, was held by him at the time of the conveyance thereof, to the said Kendall under this resolve: *provided, however*, that previous to making such conveyance, the said Adams shall give bond, with sufficient sureties, to the judge of probate for the county of Suffolk, to hold, apply, and account for the purchase money or consideration received for such conveyance, and the interest thereof, in accordance with the said will and the trusts therein declared concerning the trust estate created thereby. [*Approved by the Governor, Feb. 3, 1846.*]

Provided, &c.

RESOLVE upon the Petition of Patrick Farrell.

Chap. 8.

Resolved, for reasons set forth in said petition, that a full and indefeasible title in fee simple be, and hereby is, confirmed unto Patrick Farrell, of Worcester, in the county of Worcester, formerly an alien, but now a naturalized citizen of the United States, in and unto a certain lot of land, situated in said Worcester, on the north side of Pine street, bounded and described as follows: beginning at a stake on the north side of said street, thence running nearly due north one hundred and eighty-four feet and six inches to a stake, then turning and running westerly forty-nine feet and eight inches to a stake, then turning and running southerly two hundred feet and three inches to a stake at the north side of said street; then turning and running easterly on the north side of said street fifty-four feet to the point of beginning. Said lot is number two, on a plan of the premises, dated April thirteenth, eighteen hundred and forty-four, made by Charles H. Hill, and is the same conveyed to said Farrell by Lucy P. Hastings, by her deed, dated the nineteenth day of April, A. D. 1844, to hold to the said Farrell, his heirs, and assigns, forever, free from any liability of forfeiture or escheat to the Commonwealth, by reason of the former alienage of the said Farrell, and as fully as if he had been a citizen of the United States when the same was conveyed to him as aforesaid. [*Approved by the Governor, Feb. 3, 1846.*]

Title to land in Worcester confirmed.

Boundaries of said land.

RESOLVE in favor of the Hampden County Agricultural Society.

Chap. 9.

Resolved, for reasons set forth in the petition of the Hampden County Agricultural Society, that there be paid out of the treasury of the Commonwealth to the treasurer of said society, the sum to which it would have been entitled, had the certificate of its funds been seasonably filed in the office of the secretary of the Commonwealth; and the governor is

Bounty to be paid.

requested to draw his warrant accordingly. [*Approved by the Governor, Feb. 7, 1846.*]

Chap. 10.

RESOLVE on the Petition of Jesse Chickering.

Allowance of
\$125 41, for
services in sec-
retary's office.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Jesse Chickering, one hundred and twenty-five dollars and forty-one cents, in full for all services rendered by him in the preparation and completion of the statistics of births, marriages and deaths, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 12, 1846.*]

Chap. 11.

RESOLVE relating to the Vattemare Literary Exchanges.

Additional ap-
propriation of
\$300 for the
expenses of the
agent in Paris.

Resolved, That a sum not exceeding three hundred dollars, in addition to the balance which may remain of the appropriation of the twenty-seventh day of February, in the year one thousand eight hundred and forty-five, is hereby appropriated to defray the expenses incurred by the agent of this Commonwealth residing in the city of Paris, in the kingdom of France, on account of literary and scientific exchanges with the said Commonwealth; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, Feb. 12, 1846.*]

Chap. 12.

RESOLVE relating to the sale of Public Lands.

Land agent to
sell lands in
Maine.

Provided, &c.

Resolved, That the land agent be hereby empowered to sell several townships or tracts of land belonging to this Commonwealth, and situate in the State of Maine, on such terms as he may deem expedient, and to make good and sufficient deeds of the same: *provided, however*, that the aggregate sales authorized by this resolve, shall not exceed six townships. [*Approved by the Governor, Feb. 12, 1846.*]

Chap. 13.

RESOLVE on the Petition of Rebecca Davis, of Milton, in the County of Norfolk.

Allowance of
\$50 annually
during petition-
er's life, to be
paid, &c.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, for the use of Rebecca Davis, of Milton, in said county, the sum of fifty dollars per annum, during her natural life, said sum to be paid annually, on or after the first day of March, to the guardian of the Punkapoag Indians, for the time being, to be by him applied to the sole benefit of the petitioner, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 12, 1846.*]

Chap. 14.

RESOLVE on the Petition of Ansel Wright, of Northampton.

Allowance of
\$32 78 for ap-
prehension
of a fugitive.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to Ansel Wright, of Northampton, thirty-two dol-

lars and seventy-eight cents, in full reimbursement for his expenses, in pursuing and arresting one Edward R. Smith on an indictment for forgery; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 12, 1846.*]

RESOLVE relating to the Transmission of certain Documents.

Resolved, That the secretary of the Commonwealth be authorized and directed to forward, free of charge, one copy of all documents published in his office, to the editor of each newspaper in the Commonwealth. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 15.

Secretary to forward documents to editors free of charge.

RESOLVE on the Accounts of the Land Agent.

Resolved, That George W. Coffin, land agent of the Commonwealth, be, and he hereby is, discharged from the payment of the sum of one hundred and twenty-nine thousand nine hundred and fifty-two dollars and forty-seven cents, the receipt of which is acknowledged in his account with the Commonwealth for sales of land and timber during the year one thousand eight hundred and forty-five. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 16.

Land Agent discharged from obligation for \$129,952 47, proceeds of land sales in 1845.

RESOLVE on the Petition of William P. Baker.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to William P. Baker, nineteen dollars and forty-five cents, in full for services and expenses in the pursuit of David Woods, a fugitive from justice, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 17.

Allowance of \$19 45 for pursuit of a fugitive.

RESOLVE on the Petition of Martin Wheelock.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the treasury of the Commonwealth, to Martin Wheelock, of Gardner, in the county of Worcester, the sum of thirty dollars a year, for the term of three years, from the twelfth day of June, in the year one thousand eight hundred and forty-five, should he live so long, and that warrants be drawn therefor accordingly. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 18.

Allowance of \$30 a year for three years, from June 12th, 1845.

RESOLVE on the Petition of John B. Kirkham.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to John B. Kirkham, seven dollars, in full for services and expenses, as coroner, in attending to the burial of the dead body of Timothy Hearney, a foreigner. [*Approved by the Governor, Feb. 14, 1846.*]

Chap. 19.

Allowance of \$7 to coroner, for interment of a foreigner.

Chap. 20.

RESOLVES concerning the Library in the State Prison.

Warden authorized to pay to the inspectors from the treasury of the prison \$100 to be expended in books.
Disposal and distribution of books.

Resolved, That the warden of the state prison is hereby authorized to pay to the inspectors of said prison, from the treasury thereof, the sum of one hundred dollars, to be by them expended in purchasing books for the use of the convicts in said prison.

Resolved, That the books hereby authorized to be purchased, be added to the library attached to the prison, and be distributed among the convicts, in such manner, and under such regulations as the inspectors may, from time to time, direct. [*Approved by the Governor, Feb. 17, 1846.*]

Chap. 21.

Ratification of sale by administrator.

RESOLVE on the Petition of John L. Roberts, Administrator, and John Pickens.

Resolved, for reasons set forth in said petition, that the deed made to John Pickens by John L. Roberts, administrator of the estate of Richard S. Roberts, late of the city of Boston, deceased, dated on the tenth day of June, eighteen hundred and forty-three, and recorded with Suffolk deeds, lib. 503, folio 19, by which said administrator conveyed or intended to convey to the said Pickens, in fee simple, certain real estate on Fruit street, in said Boston, described in the deed aforesaid, and as set forth in said petition, is hereby ratified and made legal; and the sale, conveyance, and title, thereby intended to be made and conferred, are hereby confirmed as fully and effectually to the said John Pickens, and all claiming or to claim under him, as if the said administrator had been lawfully and explicitly empowered to sell and convey the same: and the said John L. Roberts, administrator of Richard S. Roberts, is hereby authorized and empowered to make, execute, and deliver such a new deed of conveyance, in fee simple, as shall confirm the title of the said John Pickens, and all claiming or to claim under him, in the parcel of real estate above mentioned and described, in consideration of the purchase money already paid therefor. [*Approved by the Governor, Feb. 17, 1846.*]

Chap. 22.

RESOLVES relating to the State Prison.

Authority to erect a building for bathing.
Appropriation of \$250.

Resolved, That the inspectors and warden of the state prison, are hereby authorized to cause to be erected in the prison yard, a small building with suitable apparatus for bathing.

Resolved, That the sum of two hundred and fifty dollars be appropriated from the funds of the prison, for carrying the foregoing resolve into effect. [*Approved by the Governor, Feb. 17, 1846.*]

Chap. 23.

RESOLVE on the Petition of Benjamin Stevens, Sergeant-at-Arms.

Additional appropriation of \$493, for re-ar-

Resolved, That the sum of four hundred and ninety-three dollars be appropriated for re-arranging the seats in the representatives' chamber, the same being in addition to the sum

of five hundred dollars, appropriated for that purpose, by resolves passed March twenty-second, in the year one thousand eight hundred and forty-five. And the accounts therefor shall be audited and paid agreeably to the provisions of the act of March eighteenth, in the year one thousand eight hundred and forty-one, entitled, “An Act relating to the State House.” [*Approved by the Governor, Feb. 17, 1846.*]

ranking seats
in representa-
tives’ chamber.
Auditing of
accounts.

RESOLVE on the Petition of John K. Going, Jr.

Chap. 24.

Resolved, for reasons set forth in said petition, that John K. Going, Jr., of Shirley, in the county of Middlesex, trustee under the will of Almond Morse, late of said Shirley, deceased, or his successor in said trust, be, and he hereby is, authorized to sell and convey, in such manner, on such terms, and for such prices as he shall deem expedient, at public or private sale, in fee simple, the following described parcels of real estate, to wit: two pews in the First Parish Meeting-house in Shirley; also, a tract of wood and pasture land in the northerly part of said Shirley, containing about ten acres; also, the homestead of said deceased, consisting of a dwelling-house, store, and other buildings, and about four acres of land in the northerly part of said Shirley, and about five acres of land situated in the easterly part of Lunenburg, in the county of Worcester. And the proceeds of the sale of said estate shall be held by the said Going, or his successor in said trust, for the same intents and purposes, and upon the same trusts as said estate itself would have been held, had it not been sold and conveyed under the authority of this resolve, and be invested, from time to time, upon good security, for the benefit of parties interested: *provided, however*, that previously to such sale, said trustee shall give bonds to the satisfaction of the judge of probate for the time being, for the county of Middlesex, for his acts and doings in the premises, and to account for, and dispose of, the proceeds of the sale of said estate agreeably to the provisions of said trust. [*Approved by the Governor, Feb. 19, 1846.*]

Trustee under
will of Almond
Morse author-
ized to sell real
estate.

Proceeds to be
held and in-
vested, &c.

Provided, &c.

RESOLVE on the Petition of Joseph Willis.

Chap. 25.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Joseph Willis, fifty dollars, in consideration of his services as a soldier in the war of the revolution, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 24, 1846.*]

Allowance of
\$50, for revolu-
tionary services.

RESOLVE on the Petition of Eleazer Kellogg.

Chap. 26.

Resolved, for reasons set forth in said petition, that Eleazer Kellogg, of Amherst, in the county of Hampshire, administrator on the estate of William Field, late of Lev-

Administrator of
estate of Wm.

Field authorized to sell real estate.

erett, in the county of Franklin, deceased, be, and hereby is, authorized to convey, in fee simple, by a good and sufficient deed, to Elijah P. Ward, of said Leverett, in consideration of the sum of four hundred dollars paid to the said William Field in his life time, a certain tract of land, bounded and described as follows, to wit: beginning at a stake, and stones on the east line of the highway leading from said Leverett to Amherst; thence running south $41^{\circ} 45'$ east, seventy-two rods and five links, to a stake and stones; thence east $30'$ south, fifty-nine and a half rods, to a stake and stones; thence north $9^{\circ} 30'$ west, thirty-four rods and seventeen links, to a white ash tree; thence west fifty-nine rods, to a stake and stones; thence north $38^{\circ} 31'$ west, fifty-three rods and twelve links, to the above named highway; thence southwardly on said highway, twenty-two rods and five links, to the first mentioned corner, containing twenty acres; and the said Eleazer Kellogg is hereby authorized to convey, as aforesaid, to Richard Hobart, of said Leverett, by a good and sufficient deed, in consideration of three hundred dollars paid to the said William Field, as aforesaid, a certain other tract of land, bounded and described as follows, to wit: beginning at the northeast corner of land belonging to Frederick Field; running thence north 64° west, forty-six rods on said Field's land, to a stake and stones; thence south $6^{\circ} 30'$ east, seventy-nine rods, on lands of Sylvanus Field and Silas Ball, to a stake and stones; thence south $52^{\circ} 41'$ east, thirty-five rods, on land of Sylvanus Field, to a stake and stones; thence north $11^{\circ} 45'$ east, forty-five rods, on his own land, to a stake and stones; thence north $35^{\circ} 15'$ east, ten rods and seventeen links, to a stake and stones; thence north $11^{\circ} 30'$ east, nine rods and seventeen links, to a stake and stones; thence north 64° west, fifteen rods and eleven links, to a stake and stones; thence north 13° , eleven rods and one link, to the first mentioned corner, containing twenty acres. [Approved by the Governor, Feb. 24, 1846.]

Chap. 27.

RESOLVE authorizing the Governor to retain Counsel in behalf of the Commonwealth, in a certain Action now pending in the Supreme Court of the United States.

The Governor in council may retain, and fix the compensation of, counsel in the case of James Norris vs. the city of Boston.

Whereas, there is now pending in the supreme court of the United States, at Washington, a certain action, in which James Norris is plaintiff, and the city of Boston is defendant, in error, in which it appears, by a communication addressed by the mayor of Boston to the governor of the Commonwealth, that the Commonwealth is alone interested, therefore, Resolved, That his excellency the governor, by and with the advice of his council, is hereby authorized to retain counsel in said action, and to fix the compensation of said counsel, and draw his warrant on the treasury for the same. [Approved by the Governor, Feb. 25, 1846.]

RESOLVE on the Petition of David Ellis.

Resolved, for reasons set forth in said petition, that Rufus Ellis, treasurer of the corporation called the "Newton Factories," created June fourteenth, in the year one thousand eight hundred and twenty-three, be, and hereby is, authorized and empowered to convey to David Ellis, of Newton, county of Middlesex, in fee simple, the whole, or any part of the real estate or personal property, belonging to said corporation, and to execute and deliver any deed or deeds which may be necessary to pass a complete and perfect title thereto: *provided, however*, that no such conveyance shall affect the rights of any creditor of said corporation. [*Approved by the Governor, Feb. 25, 1846.*]

Chap. 28.

Treasurer of the "Newton Factories" authorized to convey property to petitioner.

Provided, &c.

RESOLVE in addition to a "Resolve authorizing the Governor to procure certain Documents."

Resolved, That during the progress of the copies now making, of historical papers, in the public offices of France, by authority of the resolve of 1845, chapter 3, the governor, with the advice and consent of the council, be authorized to draw warrants on the treasury for such portions, as may be deemed expedient, of the sum of one thousand dollars appropriated by said resolve. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 29.

Payments for copies in the French offices, during the progress of the same.

RESOLVE concerning Magazine Street in Cambridge.

Resolved, That the adjutant general be authorized to pay to the inhabitants of the town of Cambridge the sum of three hundred dollars, from unappropriated funds in his possession, belonging to the Commonwealth, when in consideration of such payment he shall receive from said inhabitants an obligation or covenant to the Commonwealth, to be approved by the attorney of the Commonwealth, in the county of Suffolk, binding said inhabitants to cause all that part of Magazine Street, in the town of Cambridge, which lies between Main Street and the hill, a short distance beyond the Tufts estate, and of the width of forty feet, to be laid out and accepted according to law, as a town way, for the public use and travel for all the citizens of the Commonwealth, and to put the same into good repair and condition; and, at all times hereafter, keep and maintain, in good order and condition, the same way at the expense of said town, and at all times hereafter to save harmless, and indemnify the Commonwealth of and from all expense, costs, and charges, for keeping said part of Magazine Street in repair and good condition. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 30.

Adjutant general authorized to pay \$300 to the town of Cambridge, in consideration of laying out, &c., a road.

Chap. 31.

RESOLVE on the Petition of George Caswell.

Governor authorized to appoint commissioners to release the Commonwealth's title to land in Washington and Lenox, to petitioner.

Resolved, for reasons set forth in said petition, that his excellency the governor be, and hereby is, authorized and requested to appoint one or more commissioners, with power to sell and release to George Caswell, of the town of Washington, his heirs and assigns, for such a sum as the said commissioner or commissioners shall deem proper, all the right and title which this Commonwealth has in and to a certain tract of land, situate in said Washington, and in the town of Lenox, containing about one hundred acres, and bounded as follows: on the east by lot number twenty-five, on the north by the first division lots, on the west by land of Marshall Sears, and on the north by land in the possession of Cyrus Gaylord. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 32.

RESOLVE in favor of John L. Roberts.

Land agent to release Commonwealth's title to land in Maine to petitioner.

Resolved, That the land agent be authorized and directed to release to John L. Roberts, of Boston, his heirs and assigns, all the right and title which this Commonwealth has in and to township number two of the third range of townships, belonging to this Commonwealth, in the county of Franklin, in the State of Maine. [*Approved by the Governor, Feb. 28, 1846.*]

Chap. 33.

RESOLVE authorizing the Land Agent to sell Lands in certain cases.

Land agent to re-sell certain lands.

Provided, &c.

Resolved, That the land agent be authorized and directed to make a further sale of lands, heretofore sold by this Commonwealth, in those cases where notes taken for the said lands were due in the year one thousand eight hundred and forty, or before that year, and remain unpaid: *provided*, that the land agent shall first give notice to the delinquent purchasers of the said lands, either by writing, where the parties are known, or by publication, made once a month for three months, in one or more of the public newspapers, in each of the States of Maine and Massachusetts, of the passage of this resolve, and that the said delinquent purchasers shall fail to pay their said notes to the treasurer of this Commonwealth, on or before the first day of March, in the year one thousand eight hundred and forty-seven; in which case the said treasurer is directed to cancel or deliver up the said notes to the makers thereof. [*Approved by the Governor, March 2, 1846.*]

Chap. 34.

RESOLVE on the Petition of the Concord Artillery Company.

Adjutant general to cause inscription to be placed on field pieces to be used by petitioners.

Resolved, for reasons set forth in said petition, that the adjutant general be hereby authorized to cause the following inscription to be placed on the field pieces hereafter to be used by that company, to wit:—"The Legislature of Massachusetts consecrate the names of Major John Buttrick and Captain Isaac Davis, whose valor and example excited their

fellow citizens to a successful resistance of a superior number of British troops, at Concord bridge, the 19th of April, A. D. 1775, which was the beginning of a contest in arms, that ended in American independence;” and that he be authorized to defray the expenses of the same, out of any unappropriated funds that he may hold in his hands. [*Approved by the Governor, March 2, 1846.*]

RESOLVE CONCERNING certain Records of the Commonwealth.

Resolved, That the governor be authorized to take such measures, as he may deem expedient, to restore to the archives of this Commonwealth, in the originals or copies, such portions of the records of the executive council, or of any other branch of the government of the colony and province of Massachusetts Bay, as may be now missing, and that he be authorized, by and with the advice of the council, to draw his warrants on the treasury to defray the expense thereof. [*Approved by the Governor, March 2, 1846.*]

Chap. 35.

The Governor to take measures to supply deficiencies in the archives of the Commonwealth.

RESOLVE on the Petition of John W. Lincoln.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth to John W. Lincoln, sheriff of Worcester, thirty dollars, in full for all charges and expenses attending the removal of Orrin DeWolf and John Roach, from the jail in Worcester to the state prison in Charlestown, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 2, 1846.*]

Chap. 36.

Allowance of \$30, for removal of prisoners from Worcester jail to the State prison.

RESOLVE on the Petition of Samuel C. Allen.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to Samuel C. Allen, the sum of ninety dollars, in full compensation for his time and expenses in attending on the governor and council, to procure a settlement of the accounts of the commissioners, appointed under the resolve passed in the year one thousand eight hundred and forty-three, chapter eighty, “to locate grants and determine the extent of possessory claims under the treaty with Great Britain;” and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 3, 1846.*]

Chap. 37.

Allowance of \$90, for services in procuring a settlement of accounts, &c.

RESOLVE on the Petition of William Gordon, Coroner.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to William Gordon, coroner, thirty-two dollars and sixteen cents, in full for all expenses and charges, attending an inquest upon the body of Margaret Loring, a foreigner, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 3, 1846.*]

Chap. 38.

Allowance of \$32 16 for attending an inquest upon a foreigner.

Chap. 39.

RESOLVE on the Petition of Richard Sullivan.

John L. Sullivan authorized to confirm title to real estate to children and grand children of wife of petitioner.

Resolved, for reasons set forth in said petition, that John Langdon Sullivan be, and he hereby is authorized to make and pass to the children and grand children of Sarah, formerly the wife of the said Richard Sullivan, now deceased, and to her and their assigns, deeds of confirmation to them respectively, of certain lands set off and assigned to the said Sarah Sullivan as part of the estate of her father Thomas Russell, deceased, by partition, in the year one thousand eight hundred and ten, which lands consist of three undivided quarter parts of a tract or pasture, containing thirty-four acres and upwards, in Somerville, described in a deed from David Wood and others to Thomas Russell, dated the fifteenth day of February in the year one thousand seven hundred and ninety-eight, and a lot of land situated in Charlestown and described in a deed from Thomas Welsh to Thomas Russell, dated the twenty-first day of May, in the year one thousand seven hundred and ninety-five. [*Approved by the Governor, March 7, 1846.*]

Chap. 40.

RESOLVE upon the Petition of Edward Tuckerman and others, trustees.

Trustees under will of Edward Tuckerman authorized to sell messuage and farm in Needham.

Resolved, for reasons set forth in said petition, that Edward Tuckerman, Thomas P. Cushing, William D. Sohier and Charles G. Loring, trustees under the will of the late Edward Tuckerman, of the city of Boston, Esq., deceased, be, and they hereby are fully authorized and empowered to make sale of and convey the messuage and farm situate in Needham, mentioned in said petition, to Mrs. Sally, relict of Joshua Blake, late of Boston aforesaid, merchant, deceased, at and for the price or consideration of fifty-five hundred dollars, and upon receipt of said consideration to execute, acknowledge and deliver to the said Sally, such conveyance or conveyances, as shall be requisite or proper to pass the whole title and estate therein, of which the said Edward Tuckerman died, seized and possessed to the said Sally Blake, who may thereafter hold the said messuage and land in fee simple, free and discharged of, and from any and every the trusts declared concerning the same, in or by the said will of the said Tuckerman: *provided, however*, that the said trustees shall, previous to making such sale or conveyance, give bond to the judge of probate for the county of Suffolk, to apply the proceeds thereof conformably with the trusts declared concerning the said real estate in or by the said will of said testator. [*Approved by the Governor, March 7, 1846.*]

Provided, &c.

Chap. 41.

RESOLVE on the Petition of William T. Eustis, Guardian of Mary I. Homer.

Guardian authorized to sell minor's interest

Resolved, for the reasons set forth in said petition, that William T. Eustis, guardian of Mary I. Homer be, and he hereby is, authorized and empowered to sell, at public or private sale,

all said minor's interest, being one undivided fifth part, subject to a widow's right of dower, in the following parcels of land, or either of them, or any part thereof, to wit: A lot of land on Broadway, in that part of the city of Boston called South Boston, which was conveyed by Josiah Dunham to George J. Homer, by his deed dated October 18th, 1843, and recorded in Suffolk Registry of Deeds, liber 511, folio 242. A certain other lot of land on Fourth and O streets, in said South Boston, which was conveyed to said George J. Homer by Charles Breck and Edmund J. Baker, executors of Caleb Hobart, by their deed dated April 1st, 1845, and recorded in said registry, liber 542, folio 293, and is more fully described in said deed. A certain other lot of land, with the buildings thereon, on Fifth street, in said South Boston, which was conveyed to said George J. Homer by Ithamar Miller, by his deed dated February 25th, 1824, and recorded in said registry, liber 288, folio 289, and is more fully described in said deed. A certain other lot of land on P and Second streets in said South Boston, containing 18,750 square feet, which was conveyed to said George J. Homer by Samuel Blake, by his deed dated August 2d, 1843, and recorded in said registry, liber 505, folio 297, and is more fully described in said deed. Two certain other lots of land on First and P streets, in said South Boston, which were conveyed to said George J. Homer by Adam Bent, by deed dated May 13, 1835, and recorded in said registry, liber 391, folio 187, and are more fully described in said deed. One certain other lot of land, in said South Boston, which was conveyed to said George J. Homer by said Bent, by deed dated January 30, 1826, and recorded in said registry, liber 307, folio 205, and by deed dated May 30, 1835, and recorded in said registry, liber 391, folio 188, and is more fully described in said deeds. Also the two certain lots of land, and the wharves, flats and other premises in said South Boston, which were conveyed to said George J. Homer by William F. Homer, by deed dated June 30, 1832, and recorded in said registry, liber 361, folio 260, and are more fully described in said deed. Also those three certain lots of land in said South Boston, which were conveyed to said George J. Homer by Eleazer Homer, by deed dated October 20, 1828, and recorded in said registry, liber 331, folio 220, and are more fully described in said deed. Also, the lots of land, with the buildings thereon, situated in Plymouth, in the county of Plymouth, and Commonwealth of Massachusetts, aforesaid, which were conveyed to said George J. Homer by James Baxter and Mary Baxter, by their deed dated October 24, 1843, and recorded in the Plymouth county registry of deeds, book 212, folio 50. And that the deed of said guardian, executed and delivered under this resolve, for and in behalf of his said ward, shall convey unto the pur-

in land in South
Boston and
Plymouth.

chaser or purchasers, all her right, title, and interest, in and unto the said real estate or any part thereof, as effectually, as if she, being of full age, had personally, in due form of law, made a proper conveyance thereof: *provided, however*, that, before making said conveyance, said guardian shall give bonds, with sufficient surety or sureties, to the judge of probate for the county of Suffolk, in sufficient penalty, to account to said minor for his acts in the premises, and the price to be received for said land, with the accumulating interest. [Approved by the Governor, March, 7, 1846.]

Chap. 42.

RESOLVES relating to Fort Kent, on Fish River, in the State of Maine.

Troops required
at Fort Kent.

Resolved, That the unsettled state of the northeastern frontier of the United States requires that the protection heretofore insured to the settlers, and to the property of this Commonwealth in that quarter, by the presence of a military force, should be continued.

Governor to
transmit copy
to executive
department,
&c.

Resolved, That the governor be requested to transmit a copy of these resolves to the executive department of the United States, and also to solicit that a small body of troops may be again stationed at Fort Kent.

And to forward
copy to govern-
or of Maine.

Resolved, That the governor be requested to forward a copy of the foregoing resolutions to the governor of the state of Maine. [Approved by the Governor, March 10, 1846.]

Chap. 43.

RESOLVE in favor of the Bristol County Agricultural Society.

County to be
paid.

Resolved, for reasons set forth in the petition of George Randall and others, in behalf of the Bristol County Agricultural Society, that there be paid out of the treasury of the Commonwealth to the treasurer of said society, the sum to which it would have been entitled, had the society made its return to the secretary of State according to the provisions of an act passed on the seventh day of March, in the year one thousand eight hundred and forty-five: and the governor is requested to draw his warrant accordingly. [Approved by the Governor, March 10, 1846.]

Chap. 44.

RESOLVE on the Petition of S. G. Shipley and others.

Mayor and al-
dermen of Bos-
ton authorized
to take an im-
pression from
the rail-road
map.

Resolved, for reasons stated in the said petition, that the mayor and aldermen of Boston be authorized to take, for the use of that city, a lithographic impression from the map of the rail-roads of this Commonwealth, published by the Legislature. [Approved by the Governor, March 10, 1846.]

Chap. 45.

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenue.

Treasurer to
borrow and re-
pay money,
&c.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any

individual or individuals, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next General Court; and that he repay any sum he may borrow as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof and remaining unpaid, shall not, at any time, exceed the sum of two hundred and fifty thousand dollars. [Approved by the Governor, March 11, 1846,]

The whole sum borrowed not to exceed \$250,000 at any time.

RESOLVE on the Petition of John M. Dearborn and others.

Chap. 46.

Resolved, for the reasons set forth in said petition, that Henry Plympton, of the city of Boston, one of the executors of the will of Benjamin Dearborn, late of said Boston, Esquire, deceased, be, and he is hereby, authorized, to sell at auction or at private sale, and to convey in fee simple, all the land and real estate of which said Benjamin died seized, situate on Federal Street, and on both sides of Theatre Alley, in said Boston, or any part or parcels thereof, with the privileges and appurtenances to the same belonging: *provided*, that said Plympton shall first give bond, with sufficient sureties to the judge of probate, for the county of Suffolk; conditioned to account for the proceeds of such sale, and to invest the same in some safe manner as the Boston Dispensary may approve, and apply the income thereof, according to the trusts contained in said will; and at the decease of the parties interested in such income, to pay the principal sum of said proceeds to the Boston Dispensary, as directed by the testator: and *provided, also*, that no sale shall be made without the written consent of all the petitioners who shall be living at the time of such sale, and of said Boston Dispensary. [Approved by the Governor, March 12, 1846.]

Executor of the will of Benjamin Dearborn authorized to sell real estate.

Provided, &c.

RESOLVE on the Petition of John L. Sullivan.

Chap. 47.

Resolved, for reasons set forth in said petition, that Thomas C. Amory, Junior, of Boston, be, and he hereby is, authorized, to sell, at public or private sale, all the right, title, and interest of Elizabeth Sullivan, wife of the said John L. Sullivan, in and to one undivided quarter part of a tract of land in Somerville, in the county of Middlesex, containing thirty-four acres and upwards, described in the deed of David Wood and others to Thomas Russell, dated the fifteenth day of February, in the year seventeen hundred and ninety-eight; and to make and pass a deed, or deeds, of the same to the purchasers, and invest the proceeds of such sales on interest for the benefit of the said Elizabeth Sullivan, and her lawful representatives, accord-

Thomas C. Amory, Jr., authorized to sell interest of wife of petitioner in land in Somerville.

Provided, &c. ing to their respective interests: *provided*, that the said Amory shall first take the oath prescribed to be taken by executors and administrators, who are licensed to sell real estate, and shall give bond with surety, to the judge of probate, for the county of Suffolk, that he will invest the proceeds in real or personal securities, and pay over the net income thereof, from time to time, to said John L. Sullivan, during his life, and at his death pay over the principal to said Elizabeth Sullivan, or her legal representatives. [*Approved by the Governor, March 12, 1846.*]

Chap. 48. RESOLVE on the Petition of the School Committee of the town of Easton.

Resolved, for reasons set forth in the said petition, that there be reserved out of the present years' income of the school fund, for the benefit of the town of Easton, a sum equal to what that town would have received from the income of the same, for the last year, if the return of the school committee of said town had been allowed; and that the sum so reserved, be added to the share, if any, to which the said town of Easton may be entitled in the present year's income of the said fund. [*Approved by the Governor, March 12, 1846.*]

Chap. 49. RESOLVE for the Reception and Safe-keeping of Standards of Weights and Measures.

Resolved, That the governor and council are hereby authorized to make such arrangements as they shall deem advisable, for the reception and custody of the standard balance for the verification of weights and measures, and of any standards of weights and measures which this Commonwealth has received, or is, or may be entitled to receive from the government of the United States, and to give notice to the superintendent of weights and measures at Washington, D. C., when the Commonwealth is ready to receive such standards; and that warrants be drawn for such sum as may be necessary for the above purposes: *provided*, that the whole amount shall not exceed the sum of fifteen hundred dollars. [*Approved by the Governor, March 13, 1846.*]

Chap. 50. RESOLVES relating to the State Map.

Resolved, That the secretary of the Commonwealth be authorized to cause the plan of the triangulation of the Commonwealth to be engraved on the plate of the State map, in the place now occupied by the statistical tables: *provided*, the cost of said engraving do not exceed one hundred and fifty dollars.

Resolved, That the secretary of the Commonwealth be directed to procure one hundred copies of the State map, to be distributed in the following manner, namely:—one copy to every State in the Union; ten copies to the Superintendent

A sum, &c., to be reserved from this year's income of the school fund and paid to Easton.

The Governor and council to make provisions for reception and custody of standard balance, &c.

Appropriation of \$1500.

Secretary to cause the plan of the triangulation to be engraved on State map.
Provided, &c.
Secretary to procure and distribute 100 copies of the map.

ent of the survey; five copies each to the geologist and astronomer, connected with the survey; and the remaining copies to be distributed, from time to time, among such literary and scientific institutions, and to such men of science in other states or countries, as he shall deem expedient. [*Approved by the Governor, March 17, 1846.*]

RESOLVE on the Petition of the Selectmen of the Town of Ludlow.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to the treasurer of the town of Ludlow, two hundred and twenty-nine dollars, in full for the amount due to said town for the support of Timothy Haskell, a lunatic State pauper, from the first day of May, in the year one thousand eight hundred and thirty-nine, to the first day of November, in the year one thousand eight hundred and forty-five, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 17, 1846.*]

Chap. 51.

Allowance of \$229 for support of a lunatic State pauper.

RESOLVE on the Petition of Reuben Bacon.

Chap. 52.

Resolved, for reasons set forth in said petition, that Reuben Bacon, of Bedford, county of Middlesex, executor of the last will and testament of Joshua Page, late of said Bedford, deceased, be hereby authorized to make and file, in the probate office for the county of Middlesex, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of administrators and executors by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate situated in the town of Bedford, belonging to the estate of said deceased; said sale having been made by said executor under a license granted by the court of probate holden at Concord on the thirteenth day of February, in the year one thousand eight hundred and forty-four: *provided*, that the said Reuben Bacon shall first give such notice as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice: *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed; and such affidavit and copy of notice thus filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [*Approved by the Governor, March 18, 1846.*]

Executor of the will of Joshua Page authorized to file affidavit and notice, &c.

Provided, &c.

RESOLVE on the Petition of John Coombs, Trustee.

Chap. 53.

Resolved, for reasons set forth in said petition, that John Coombs, trustee of Abby Coombs, under the will of the late John B. Titcomb, of Newburyport, county of Essex, be, and hereby is, authorized and empowered to sell and convey, in fee simple, for a sum not less than twenty-eight

Trustee under the will of John B. Titcomb, authorized to sell real estate.

hundred dollars, a lot of land, with the house and buildings thereon, situated in said Newburyport, and described as follows: commencing on Park street, and running southeasterly, by land of Daniel Lancaster; thence southwesterly, by land of Charles H. Hodge; thence northwesterly, by land of Rufus Smith, to said Park street; and thence northeasterly, by said street, to the bound first mentioned; said lot of land, containing about twenty rods, and being the land described in a deed given by Albert Currier to John Coombs, trustee, and recorded in the registry of deeds, for the county of Essex, book three hundred and fifty, leaf one hundred and sixty-seven. And the petitioner, on the receipt of the sum aforesaid, may execute and deliver to the purchaser of said land and appurtenances, a deed thereof; and said purchase money shall be held by the said trustee, upon the same trust, and for the same purposes, as are prescribed in the said will, in relation to so much of the testator's estate, as is therein devised to said John Coombs, as trustee of Abby Coombs; *provided, however*, that previously to any sale, the said trustee shall give bonds, with sufficient sureties, to the judge of probate for the county of Essex, for the faithful disposition of the proceeds of such sale, agreeably to the provisions of the will, whereby the said trust was created. [*Approved by the Governor, March 18, 1846.*]

Provided, &c.

Chap. 54.

RESOLVE on the Petition of the Congregational Society, of Tolland.

Authorized to
sell land.

Resolved, for reasons set forth in their petition, that the Congregational Society, of the town of Tolland, in the county of Hampden, be, and they hereby are, authorized and empowered to sell, either at public or private sale, and by their agent or committee, for that purpose duly authorized, to convey by deed, in fee simple, the following tracts of land, held by them under the will of Perez Marshall, late of said Tolland, deceased, "for the support of a learned, pious, and orthodox minister of the gospel," as set forth in said will, to wit: the farm on which the said Marshall resided, at the time of his decease, bounded, north, on land of Asher Moore; east, on the road; south, on the county road; and west, on land of Philo Smith, containing about twenty acres. Also, one other tract of land, containing about two and an half acres, and bounded, beginning on the road, at the southeast corner thereof; thence west, seven and an half degrees; north, twenty-five and an half rods; thence south, seven and an half degrees west, fifteen and three fourths rods; thence east, seven and a half degrees south, twenty-five and an half rods, to the road; thence on the road fifteen and three fourths rods, to the first bound, the same being known as the "Bidwell lot;" *provided*, that the said society shall invest and re-invest the proceeds of such sale, on

Provided, &c.

interest, secured by a good and sufficient mortgage of real estate, and shall, in all respects, hold and apply such proceeds, and the interest thereof, agreeably to the provisions of said will, and upon their failure to do so, they shall be liable at law and in equity, in the same manner they would be for a like breach of trust in relation to such real estate, had this resolve never been passed. [*Approved by the Governor, March 18, 1846.*]

RESOLVE on the Petition of James M. Cook.

Chap. 55.

Resolved, for reasons set forth in said petition, that the said James M. Cook, executor of the last will and testament of Aaron Cook, late of Lancaster, in the county of Worcester, deceased, or his successor in said trust, be, and he is, hereby authorized to sell and convey, in fee simple, either at public or private sale, and in such manner as he shall deem most for the interest of the parties concerned, several tracts and parcels of land, of which the said Aaron died seized, to wit: a tract of about twenty-nine acres of wood and pasture land, situated in the northerly part of said Lancaster; two and a half acres of wood land, four acres of wood land, more or less, five and a quarter acres of wood land, about nine acres of pasture land, eight acres and one hundred rods of wood land, and about three acres of meadow land, all in the northerly part of Harvard, in said county; and to execute good and sufficient deeds therefor to the purchaser or purchasers: *provided*, that the said party hereby authorized so to sell and convey, shall first give bond, with good and sufficient sureties, to the judge of probate of said county, to account for the proceeds of said property, and to invest and dispose of the same agreeably to the directions of said will. [*Approved by the Governor, March 18, 1846.*]

Executor of the will of Aaron Cook authorized to sell land.

Provided, &c.

RESOLVE relating to the Worcester County Manual Labor High School.

Chap. 56.

Resolved, that the resolve passed on the twentieth day of March, in the year one thousand eight hundred and forty-five, on the petition of the trustees of the Worcester County Manual Labor High School, be so construed, as to relieve and discharge the said trustees from the duty of causing ten families to settle on the half township therein mentioned; also from the reservations therein required, and to authorize said tract to be located under the direction of the land agent of this Commonwealth, at the expense of the grantees, from any of the unappropriated townships in the state of Maine, which have been already surveyed, divided and set off to this Commonwealth: *provided, however*, that the said state of Maine shall assent to the discharge of said half township from the said reservations; *and provided further*, that said tract be located within two years from the first day of March, in the year one thousand eight hundred and forty-

Trustees discharged from the obligation to make a settlement, &c.

Provided, &c.

six; and *provided*, that all the other conditions of said resolve are complied with and fulfilled. [*Approved by the Governor, March 18, 1846.*]

Chap. 57.

RESOLVE on the Petition of John H. Pillsbury and others.

Obligations to be cancelled by land agent.

Resolved, for reasons set forth in said petition, that the land agent be authorized and empowered, to cancel or give up to John H. Pillsbury, Ebenezer Webster, and James Taylor, the obligation signed by them, dated the tenth day of September, in the year one thousand eight hundred and thirty-nine; and also the obligation, signed by Leonard Jones, dated the ninth day of September, in the year one thousand eight hundred and thirty-nine, which obligations are now in the land office: *provided*, the said Pillsbury, Webster, and Taylor, shall execute a sufficient assignment to the Commonwealth, of all claim or claims which they have, or may have, to any part of what is called the "Disputed Territory Fund." [*Approved by the Governor, March 19, 1846.*]

Chap. 58.

RESOLVES relating to an Account rendered under the Fifth Article of the Treaty of Washington.

Governor to take measures for settling the account of the disputed territory fund, &c.

Resolved, That the governor be authorized and requested, to take such measures as, in his judgment, the interests of the Commonwealth shall require, in regard to the account, rendered by the authorities of the Province of New Brunswick, under the fifth article of the treaty of Washington; and further, to apply to the proper department of the Federal Government, for its interposition to procure from the said authorities, a detailed statement of all monies received prior to the year one thousand eight hundred and twenty-nine, into the treasury of the said province or of the crown, from the sale of, or permits to cut down timber, the product of the "Disputed Territory."

To transmit a copy hereof to the state of Maine.

Resolved, That the governor be requested to transmit a copy of the foregoing resolution, to the governor of the state of Maine. [*Approved by the Governor, March 19, 1846.*]

Chap. 59.

RESOLVE on the Petition of Samuel E. Sewall.

Trustee under the will of Ephraim. May to sell land.

Resolved, for the reasons set forth in said petition, that the said Samuel E. Sewall, trustee, under the will of Ephraim May, for Lois M. Cunningham and her children, be, and he hereby is, authorized to sell and convey, for the price of not less than thirty-eight hundred dollars, to Freeman C. Raymond, his heirs and assigns, a certain piece or parcel of land, situate in Garden Court Street, in the northerly part of the city of Boston, and numbered three in said street, bounded and measuring as follows, to wit: commencing in the centre of a partition wall in said Garden Court Street,

and running southerly on said street, eighteen feet and eleven inches; then turning and running in a westerly direction through the centre of a partition wall and fence of house and land, now or late of Enoch H. Snelling, there measuring fifty-five feet and two inches; then turning and running northerly, partly on land and house, now or late of John Ritchie, and partly on a passage way six feet wide, eighteen feet and six inches; thence turning and running easterly, through a fence and partition wall of house and land, now or late of Asa Swallow, fifty-three feet and six inches, to the point of beginning, together with all the rights and privileges to the same belonging; the said premises being subject to a mortgage of two thousand dollars, which is a part of the price above expressed; *provided*, the said Sewall shall first give bonds to the judge of probate for said county of Suffolk, with sufficient surety or sureties, that he will hold and invest, according to law, the balance of proceeds of said sale, after paying off the said mortgage, upon the same trusts on which he now holds the said premises, and will account for said proceeds, according to law. [Approved by the Governor, March 19, 1846.]

Provided, &c.

RESOLVE on the Petition of the Selectmen of the Town of Stockbridge.

Chap. 60

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to the treasurer of the town of Stockbridge, thirty-five dollars and two cents, in full, for expenses incurred in removing Oliver C. Cottrell, a lunatic state pauper, from said town to the State Lunatic Hospital, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, March 23, 1846.]

Allowance of \$35 02 for removal of a lunatic state pauper.

RESOLVE on the Petition of David Fairbanks, of Provincetown.

Chap. 61

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to David Fairbanks, secretary of the Union Insurance Company, in Provincetown, the sum of one hundred dollars, in full remission of the penalty incurred by him by failing to make the return of said insurance company within the time specified, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, March 25, 1846.]

Allowance of \$100; remission of penalty.

RESOLVE on the Petition of Henry Frink.

Chap. 62

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Henry Frink, forty-seven dollars, in full for all expenses incurred in the pursuit of William Weeks, a fugitive from justice, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, March 25, 1846.]

Allowance of \$47 for expenses in pursuit of a fugitive.

Chap. 63.

RESOLVE on the Petitions of the Towns of Spencer and Granville.

A sum, &c., to be reserved from this year's income of the school fund, and paid to Spencer and Granville.

Resolved, That there be reserved out of the present year's income of the school fund, for the benefit of the towns of Spencer and Granville, a sum equal to what those towns would have received, if they had made in due season the returns required by law, and that the sums so reserved, be added to the respective shares, if any, to which the said towns may be entitled from the income of said fund the present year. [*Approved by the Governor, March 25, 1846.*]

Chap. 64.

RESOLVES concerning the House of Correction in the County of Hampden.

County commissioners to furnish books to convicts.

Resolved, That the county commissioners for the county of Hampden be, and they are hereby authorized, at the expense of said county, to make provision whenever, in their opinion, it is expedient, for furnishing suitable books for the use and benefit of the convicts imprisoned in the house of correction in said county.

Distribution of books.

Resolved, That the books which shall be furnished, pursuant to the foregoing resolve, be distributed among the convicts in such manner, and under such regulations, as the sheriff of said county may, from time to time, direct. [*Approved by the Governor, March 25, 1846.*]

Chap. 65.

RESOLVE on the Petition of the Commissioner and Treasurer of the District of Marshpee.

Allowance of \$101 73, for the support of a lunatic state pauper.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth to the treasurer of the district of Marshpee, the sum of one hundred and one dollars and seventy-three cents, in full for the support of Polly Cetum, a lunatic state pauper, from the first day of November, in the year one thousand eight hundred and forty-one, to the first day of November, in the year one thousand eight hundred and forty-five, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 25, 1846.*]

Chap. 66.

RESOLVE upon the Petition of William W. Newell and Susan Parkman.

Guardians authorized to sell and convey real estate in Boston.

Resolved, for reasons set forth in said petition, that the said William W. Newell, guardian of Hannah P. Newell, and Susan Parkman, guardian of Mary Jane Parkman, minors, be, and they hereby are severally, authorized and empowered to convey, in fee simple, to William H. Hill, of Boston, in the county of Suffolk, book-binder, all the respective interests of said minors, being one undivided fourth part each, subject to a widow's dower, in and to a certain parcel of land in said Boston, bounded as follows: beginning on an alley in the rear of the stores numbered thirty and thirty-two in Market street, now called Cornhill, and running southerly, nineteen feet six inches to a fence, thence turning easterly, and running by said fence seven feet, thence

running northerly, nineteen feet six inches to the alley aforesaid, thence running westerly and bounded on said alley to the place of beginning, be said measurements more or less, or however otherwise bounded, and that the deeds of said guardians, executed and delivered under this resolve, for and in behalf of their said wards, shall convey unto said Hill, all their right, title and interest in and to said land as effectually as if they, being of full age, have personally in due form of law, made a proper conveyance thereof. [*Approved by the Governor, March 25, 1846.*]

RESOLVE concerning the Quarter Master General's Department.

Resolved, That the sum of three thousand dollars be hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor. [*Approved by the Governor, March 26, 1846.*]

Chap. 67.

Appropriation
of \$3000.

RESOLVE concerning the Distribution of the Report on the Criminal Law.

Resolved, That the secretary be directed to distribute one copy of the report of the commissioners appointed to codify the criminal law, to the governor, one copy to the lieutenant governor, one copy to each member of the council, senate, and house of representatives, one copy to each of the judges of the supreme judicial court, and the court of common pleas, one copy to each of the justices of the several police courts in the Commonwealth, one copy to each of the prosecuting officers of the Commonwealth, and one copy to each of the said commissioners. [*Approved by the Governor, March 26, 1846.*]

Chap. 68.

Secretary to
distribute
copies.

RESOLVE concerning certain Documents sent to Washington.

Resolved, That the secretary be authorized to adopt measures to recover any documents belonging to the archives of this Commonwealth, which have been sent to Washington for the prosecution of the claims of this Commonwealth for military services, and for the suit respecting the boundary line between Massachusetts and Rhode Island. [*Approved by the Governor, March 26, 1846.*]

Chap. 69.

Secretary to
recover papers
relating to
Rhode Island
boundary, and
military claim.

RESOLVE on the Petition of Frederick H. Bradlee and James B. Bradlee, Trustees of Elizabeth P. Van Brunt.

Resolved, for reasons set forth in said petition, that Frederick H. Bradlee and James B. Bradlee, of the city of Boston, trustees of Elizabeth P. Van Brunt, under the will of her father, David W. Bradlee, deceased, by appointment of the judge of probate for the county of Suffolk, be, and they hereby are authorized and empowered to sell, at public or private sale, one undivided fourth part of the following estates, viz.: the estate situate on and near Merchants Row, in the city of Boston, formerly owned by David Bradlee, and which he ac-

Chap. 70.

Trustees to sell
real estate in
Boston.

quired by deed from Thomas Downe Bradlee, of date December 3d, A. D. 1799, recorded with Suffolk deeds, lib. 194, folio 105; and the estate situate on and near what was formerly called Corn Market, in said city of Boston, formerly owned by David Bradlee, and which he acquired by deed from Joseph Jackson and Henry Jackson, recorded with Suffolk deeds, lib. 179, folio 34, viz. the one undivided fourth part of said several estates, with the rights, privileges and appurtenances thereunto respectively belonging, which was conveyed to the said Frederick H. Bradlee and James B. Bradlee, as trustees of Elizabeth P. Van Brunt, in and by the deed of Josiah Bradlee, of date December 9, A. D. 1844, recorded with Suffolk deeds, lib. 534, folio 193, and to make and execute good and sufficient deeds thereof, in fee simple, to the purchasers; and, also, for reasons as aforesaid, said trustees are hereby authorized and empowered to sell, at public or private sale, one undivided third part of the following estates, viz. the estate on and near Washington Place, in said city of Boston, formerly owned by said David W. Bradlee, and which he acquired by deed from Lemuel Crackbon, of date June 10th, A. D. 1822, recorded with Suffolk deeds, lib. 277, folio 97, and the estate at and near the corner of Atkinson and Williams streets, in said city of Boston, formerly owned by said David W. Bradlee, and which he acquired by deed from Charles Blanchard, of date March 14th, A. D., 1822, recorded with Suffolk deeds, lib. 275, folio 270; and the estate on and near Pitts street, in said city of Boston, formerly owned by said David W. Bradlee, and which he acquired from James Greenwood, by deed, of date November 5th, A. D. 1817, recorded with Suffolk deeds, lib. 256, folio 284, viz. the undivided third part of said several estates, with all the rights, privileges and appurtenances thereunto respectively belonging, which was conveyed to the said Frederick H. Bradlee and James B. Bradlee, as trustees of said Elizabeth P. Van Brunt, in and by the aforesaid deed of Josiah Bradlee, of date December 9th, A. D. 1844, recorded as aforesaid, with Suffolk deeds lib. 534, folio 193, and to make and execute good and sufficient deeds thereof, in fee simple, to the purchasers: *provided*, that the trustees shall first give bond to the judge of probate for the county of Suffolk, with surety or sureties satisfactory to said judge of probate, that they will faithfully execute the powers hereby granted to them, and also execute the trust in regard to each and all of the proceeds of said sales herein authorized, agreeably to the directions contained in the will of the said David W. Bradlee. [*Approved by the Governor, March 26, 1846.*]

Provided, &c.

RESOLVE on the Petition of Derastus Clapp.

Chap. 71.

Resolved, for reasons set forth in the petition of Derastus Clapp, that there be paid out of the treasury of the Commonwealth, to said Clapp, the sum of forty dollars, in full for services and expenses in arresting or causing to be arrested, Robert Leighton, a counterfeiter, and that a warrant be drawn accordingly. [*Approved by the Governor, March 27, 1846.*]

Allowance of \$40 for the arrest, &c., of a counterfeiter.

RESOLVES providing for the more Ample and Suitable Accommodation of the Library.

Chap. 72.

Resolved, That the sergeant-at-arms cause a suitable room to be prepared in the basement story immediately under the library and treasurer's office, for the use of the library, under the supervision of a committee to consist of the speaker of the house, the chairman of the committee on the library, the librarian, and two members of the house, in such manner as they shall deem expedient.

Sergeant-at-arms to prepare a room for the use of the library, under the supervision of a committee, &c.

Resolved, That the sum of twelve hundred dollars be appropriated for the above purpose, which sum, or so much thereof as may be necessary to be expended, and the accounts thereof, shall be audited and paid agreeably to the provisions of the act of March eighteenth, in the year one thousand eight hundred and forty-one, entitled, "an act relating to the state house." [*Approved by the Governor, March 27, 1846.*]

Appropriation of \$1200.

RESOLVE on the Petition of Richard Nichols.

Chap. 73.

Resolved, for reasons set forth in the petition of Richard Nichols, that there be paid out of the treasury of the Commonwealth to said Nichols, the sum of forty dollars, in full for informing against and prosecuting to conviction, Sullivan Bigelow, a counterfeiter, and that a warrant be drawn accordingly. [*Approved by the Governor, March 27, 1846.*]

Allowance of \$40 for informing against, &c., a counterfeiter.

RESOLVE on the Petition of Erastus W. Sanborn.

Chap. 74.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Erastus W. Sanborn, fifty dollars, for his expenses during his sickness, and fifty dollars a year, for three years, in consideration of injuries and expenses sustained by him in the performance of his official duty, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 31, 1846.*]

Allowance of \$50, and annual allowance of \$50 for three years.

RESOLVES in relation to Auditing Accounts.

Chap. 75.

Resolved, That the committee on accounts be required to examine and audit all miscellaneous accounts which may be presented against the Commonwealth, (except those for which payment is otherwise provided,) and report the same,

Committee on accounts to audit and class miscellaneous accounts, and report resolves.

from time to time, to the Legislature, classified under their appropriate heads, with resolves for their payment.

Accounts to be approved, &c., Legislative authority requisite.

Resolved, That all accounts shall be approved by the person or persons under whose direction the charge was incurred; and no account shall be allowed for any matter or thing, for doing or procuring which, authority shall not have been given by one or the other, or both branches of the Legislature.

Printing, &c., to be directed, and amounts certified by head of departments and clerks.

Resolved, That the printing, binding, procuring of stationery, and all other things for the use of the executive council, and the several offices in the government of this Commonwealth, shall be under the direction of the respective heads of such departments; and for the use of the senate and house of representatives, under the direction of the respective clerks thereof; and the amounts therefor shall be certified accordingly.

Repeal of inconsistent provision.

Resolved, That the resolve passed on the eleventh day of June, in the year one thousand eight hundred and twenty-nine, requiring the treasurer to examine and audit certain accounts against the Commonwealth, be hereby repealed. [Approved by the Governor, April 3, 1846.]

Chap. 76. RESOLVE authorizing the Governor to take further measures to procure certain Documents in the Public Offices of France.

Additional appropriation of \$500.

Resolved, That the governor be authorized and requested to take such further measures as he may deem expedient, to procure copies of documents in the public offices of France, illustrative of the colonial and provincial history of this Commonwealth: *provided*, that the sum expended for this object shall not exceed five hundred dollars, in addition to any unexpended balance of the sum appropriated by a resolve passed on the twenty-third day of January, in the year one thousand eight hundred and forty-five. [Approved by the Governor, April 4, 1846.]

Chap. 77. RESOLVE to pay for Fuel and for other purposes.

\$2,500 appropriated, to be expended by the sergeant-at-arms.

Resolved, That there be paid out of the treasury of this Commonwealth to Benjamin Stevens, sergeant-at-arms to the General Court, the sum of twenty-five hundred dollars, to enable him to purchase fuel, and other necessary articles for the use of the General Court, and the several offices in the state house, and that a warrant be drawn accordingly. [Approved by the Governor, April 4, 1846.]

Chap. 78. RESOLVE for the Pay of the Council, Senate and House of Representatives.

Allowance of \$2 to each counsellor, senator and representative, for

Resolved, That there be paid out of the treasury of this Commonwealth to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year; and the sum of two dollars for every ten miles' travel from their respec-

tive places of abode, once in each session, to the place of the sitting of the General Court; and also to each member of the council, two dollars per day for each day's attendance at that board, at every session thereof, during the present political year; and the sum of two dollars for every ten miles' travel from their respective places of abode, once in each session thereof; and to the president of the senate and the speaker of the house of representatives, each, two dollars for each and every day's attendance, in addition to their pay as members, and that warrants be drawn accordingly. [*Approved by the Governor, April 4, 1846.*]

each day's service in 1846, and \$2 for every ten miles' travel.

President and speaker to receive \$2 additional for each day.

RESOLVE to pay the Doorkeepers, Messengers and Pages of the Senate and House of Representatives.

Chap. 79.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the doorkeepers and messengers of the senate and house of representatives, the sum of two dollars each per day; and to the pages of the senate and house of representatives, each, the sum of one dollar and fifty cents per day, for each and every day's attendance during the present session of the Legislature, and that warrants be drawn accordingly. [*Approved by the Governor, April 4, 1846.*]

Daily allowance of \$2 each to doorkeepers and messengers; and of \$1 50 to pages, during session of the Legislature.

RESOLVE on the Petition of the Charles Street Baptist Society.

Chap. 80.

Resolved, for reasons set forth in said petition, that the Charles Street Baptist Society are hereby authorized and empowered to sell and convey all that real estate situate in the city of Boston, which they hold as grantees, through mesne conveyances, under the deed of Harrison Gray Otis, Henry Jackson, Benjamin Joy, and Jonathan Mason, to David Jones, Ebenezer Little Boyd, Turner Crocker, Thomas Kendall, Heman Lincoln, Ensign Lincoln, Josiah C. Ransford, and Aaron Richardson, trustees of the association for building the third Baptist meeting-house in said Boston, dated the eighth day of July, in the year eighteen hundred and six, in such parts and parcels as they may think proper, in fee simple, discharged from all conditions and trusts declared and contained in the deed aforesaid, or in any other deed through which they have derived their title to said real estate. [*Approved by the Governor, April 4, 1846.*]

Authority to sell and convey real estate.

Discharge from conditions and trusts.

RESOLVE to pay the Assistant Messenger to the Governor and Council.

Chap. 81.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the assistant messenger to the governor and council, the sum of two dollars for each and every day he has been, or may be employed in that capacity, during the sessions of the council, the present political year, and that warrants be drawn accordingly. [*Approved by the Governor, April 4, 1846.*]

Allowance of \$2 a day, during sessions of the council.

Chap. 82.

RESOLVE to pay the Chaplains of the Legislature.

Allowance of \$60 to chaplain of the Senate, and \$30 each to chaplains of the House.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the chaplain of the senate, the sum of sixty dollars, and to the chaplains of the house of representatives, the sum of thirty dollars each, and that warrants be drawn accordingly. [Approved by the Governor, April 4, 1846.]

Chap. 83.

RESOLVE on the Petitions of the Towns of Hardwick, Shutesbury, Halifax, Greenfield and Medford.

Allowance of \$25 55 to Hardwick; \$148 38 to Shutesbury; \$5 53 to Halifax; \$73 43 to Greenfield, and \$25 41 to Medford for support of State paupers.

Resolved, for reasons set forth in their several petitions, that there be paid out of the treasury of the Commonwealth, to the treasurers of the towns hereinafter named, the sums following, to wit:—Hardwick, twenty-five dollars and fifty-five cents; Shutesbury, one hundred and forty-eight dollars and thirty-eight cents; Halifax, five dollars and fifty-three cents; Greenfield, seventy-three dollars and forty-three cents; Medford, twenty-five dollars and forty-one cents, in full for the support of State paupers, previous to the first day of November, in the year one thousand eight hundred and forty-four, and that the governor draw his warrants therefor accordingly. [Approved by the Governor, April 6, 1846.]

Chap. 84.

RESOLVE granting Taxes for the several Counties.

County taxes, amounting to \$199,875.

Resolved, That the sums placed against the names of the several counties in the following schedule, are hereby granted as a tax for each county respectively, to be assessed, paid, collected, and applied, according to law, viz:—County of Essex, thirty-two thousand six hundred dollars; county of Worcester, twenty-seven thousand dollars; county of Hampshire, eight thousand dollars; county of Bristol, twenty-two thousand dollars; county of Norfolk, ten thousand dollars; county of Berkshire, fifteen thousand dollars; county of Plymouth, twelve thousand dollars; county of Hampden, fifteen thousand dollars; county of Franklin, seven thousand dollars; county of Barnstable, five thousand five hundred dollars; county of Dukes, one thousand five hundred dollars; county of Middlesex, forty-four thousand two hundred and seventy-five dollars. [Approved by the Governor, April 6, 1846.]

Chap. 85.

RESOLVES concerning the Claim of Massachusetts upon the Government of the United States, under Article Fourth of the Treaty of Washington.

Claim of Massachusetts and Maine on the General Government.

Whereas, The government of the United States, by the ratification of the treaty of Washington, incurred in equity and good faith, an obligation to remunerate the States of Massachusetts and Maine for any pecuniary sacrifice they were required to make by the authority of the said treaty, therefore—

Resolved, That Massachusetts has a just and equitable claim upon the government of the United States, for full remuneration for her proportion of all lands set off to claimants, under the provisions of article fourth of the treaty of Washington; and the governor is authorized and requested to present the same to the federal government, for adjustment and allowance.

The governor to present Commonwealth's claim for allowance.

Resolved, That the governor be requested to transmit a copy of these resolves to the president of the United States. [Approved by the Governor, April 6, 1846.]

Copy to be transmitted to the President.

RESOLVE on the Petition of Lysander Ripley and David Patterson.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Lysander Ripley and David Patterson, of Boston, the sum of fifty-four dollars, in full for services and expenses in arresting Otis A. Wells, Ansel Upham, Elisha Gill and Isaac Richardson, as counterfeiters: and that the governor draw his warrant therefor accordingly. [Approved by the Governor, April 6, 1846.]

Chap. 86.

Allowance of \$54 for the arrest of counterfeiters.

RESOLVE relating to the Construction of a Bridge across Santuit River.

Resolved, for reasons set forth in the petition of Daniel Childs and others of Barnstable, in the county of Barnstable, that there be allowed and paid out of the treasury of this Commonwealth, to the commissioner of the district of Marshpee, in said county, the sum of one hundred and fifty dollars, for the construction in part, of a bridge over Santuit river, in said Barnstable and Marshpee, near Sampson's mills: *provided*, that said town of Barnstable shall cause a good and sufficient bridge to be constructed across said river, and near said mills, within one year from the passage of this resolve: *and, provided also*, that said sum shall not be paid until said commissioner shall certify to the governor, that said bridge has been so constructed; *and, provided also*, that no greater amount shall be paid than one half of the cost of said bridge; and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, April 6, 1846.]

Chap. 87.

Allowance of \$150 to the commissioner of the District of Marshpee for a bridge.

Provided, &c.

RESOLVE to refund an Over-payment of Tax by the Millbury Bank.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the president, directors and company of the Millbury Bank, the sum of two hundred and fifty dollars, for over-payment of tax, on the ninth day of October last: and that his excellency the governor be authorized to draw his warrant therefor accordingly. [Approved by the Governor, April 6, 1846.]

Chap. 88.

\$250 to be repaid.

Chap. 89. RESOLVE on the Petition of the Trustees of the Christian Society in Sharon.

Trustees au-
thorized to sell
real estate.

Resolved, for reasons set forth in the petition of Joel Hewins and Samuel N. Fuller, deacons of the church in Sharon, and trustees under the will of Nancy Gould, late of said Sharon, widow, deceased, that said Hewins and Fuller are hereby empowered to sell, at public sale, all or any part of the real estate, which was devised to them by the last will of said Nancy, in trust for the use and benefit of said church : *provided*, that said Hewins and Fuller shall first give bonds with sufficient surety or sureties, satisfactory to the judge of probate for the county of Norfolk, for the faithful execution of the powers herein conferred, and that they will invest the proceeds, and apply the same according to the uses and trusts declared by said testatrix in said will respecting the same estate. [*Approved by the Governor, April 6, 1846.*]

Provided, &c.

Chap. 90. RESOLVE in relation to Expenses incurred under Article Fourth of the Treaty of Washington.

The Governor
to adopt mea-
sures to obtain
reimbursement
of expenses,
&c.

Resolved, That the governor be authorized and requested to adopt such measures as he shall deem expedient, to obtain from the government of the United States, reimbursement of the expenses incurred in locating grants and determining the extent of possessory claims, under the provisions of the fourth article of the treaty of Washington. [*Approved by the Governor, April 6, 1846.*]

Chap. 91. RESOLVE on the Petition of the Town of Hadley.

Allowance of
\$2750 for em-
bankments.

Resolved, for reasons set forth in the petition, that the sum of two thousand seven hundred and fifty dollars, be granted and paid out of the treasury of the Commonwealth, to the town of Hadley, for the purpose of aiding the inhabitants in protecting themselves against the encroachments of the Connecticut River upon the banks above Middle and West streets in said town, and that the governor be authorized to draw his warrant therefor accordingly : *provided*, the said town shall first, by tax or otherwise, raise the sum of one thousand seven hundred and fifty dollars, and the inhabitants more immediately exposed to the danger, shall raise, by subscription or otherwise, an additional sum of one thousand dollars, and shall, by the proper town officers, or a committee, certify and assure the governor, that the amount of two thousand seven hundred and fifty dollars has been so raised, and shall, together with the grant from the Commonwealth, be applied for the purpose aforesaid, under the direction of a skilful engineer. [*Approved by the Governor, April 6, 1846.*]

Provided, &c.

Chap. 92. RESOLVE in addition to a "Resolve authorizing the Survey of South Bay and Charles and Mystic Rivers."

Additional ap-
propriation of

Resolved, That there be paid out of the treasury of this Commonwealth, in addition to the amount appropriated by

a resolve passed on the twenty-second day of March, one thousand eight hundred and forty-five, "authorizing the survey of South Bay and Charles and Mystic Rivers," such sum or sums of money, not exceeding in the whole the sum of three hundred dollars, as may be necessary to carry into full effect the provisions of said resolve, and that a warrant be drawn accordingly. [*Approved by the Governor, April 6, 1846.*]

not exceeding
\$300.

RESOLVE on the Petition of Nathaniel Clark, Trustee under the Will of Ralph Smith.

Chap. 93.

Resolved, for reasons set forth in said petition, that Nathaniel Clark, of Natick, in the county of Middlesex, trustee under the last will and testament of Ralph Smith, late of Roxbury, in the county of Norfolk, esquire, deceased, be, and he hereby is authorized and empowered to sell, upon such terms and conditions as he shall deem expedient, at public or private sale, all that estate and interest in the real estate of which said deceased died seized or possessed, lying in the town of Needham, in said county of Norfolk, and in the town of Natick aforesaid, which, by the said last will of said deceased, were devised in trust for the benefit of Martha Smith, William Smith and Nathaniel R. Smith, and to convey said estate and interest, by his deed duly executed and acknowledged: *provided*, said Clark shall first give bond with sufficient sureties to the judge of probate for said county of Norfolk, to the acceptance of the said judge, conditioned that the said Clark shall faithfully, and according to his best judgment, execute the authority hereby conferred, and hold, apply, and dispose of the proceeds of such sale, agreeably to the objects and purposes, for which said trust, in and by said will, was created. [*Approved by the Governor, April 6, 1846.*]

Trustee may
sell and convey
real estate in
Needham and
Natick.

Provided, &c.

RESOLVE on the Petitions of Willard Phillips, John G. Rogers and Samuel B. Walcott.

Chap. 94.

Resolved, for reasons stated in the said petitions, that there be paid out of the treasury, to Willard Phillips, the sum of fifteen hundred dollars; to John G. Rogers, the sum of one thousand dollars; to Samuel B. Walcott, the sum of seven hundred and fifty dollars, respectively, in full payment for their services as commissioners for the codification of the criminal laws, and that the governor be requested to draw his warrant therefor accordingly. [*Approved by the Governor, April 7, 1846.*]

Allowance of
\$3,250 to com-
missioners for
codification of
criminal laws.

RESOLVES relating to Repairs around the State House.

Chap. 95

Resolved, That the sergeant-at-arms cause that portion of the fence which is displaced, to be relaid, and also such portion of the side-walk as may need repairs.

Resolved, That the sum of six hundred dollars be appropriated for the above purpose, which sum, or so much there-

Sergeant-at-
arms to repair
the fence and
side-walk.
Appropriation
of \$600.

of as may be necessary to be expended, and the accounts thereof shall be audited and paid agreeable to the provisions of the act of March eighteenth, in the year one thousand eight hundred and forty-one, entitled, "an act relating to the state house." [Approved by the Governor, April 7, 1846.]

Chap. 96.

Administratrix
of the estate of
William Brown
may sell real
estate in Bos-
ton.

RESOLVE on the Petition of Sarah Brown, Administratrix.

Resolved, for reasons set forth in the petition, that the said Sarah Brown, administratrix *de bonis non*, with the will annexed, on the estate of her father, William Brown, late of Boston, in the county of Suffolk, merchant, deceased testate, is hereby authorized and empowered to sell to any person or persons whomsoever, at public or private sale, for cash or on credit, in whole or in part, on such terms as she shall think most advantageous, and to pass by good and sufficient deeds therefor in fee simple, discharged from all trusts and liability for the application of the purchase money, one undivided half part of a certain piece of land situate in said Boston, at the southerly part thereof, on Washington street, bounded and measuring as follows, viz.: beginning at the northwesterly corner thereof, on the corner of Washington and Dover streets, and there measuring in front northwesterly on Washington street seventy-two feet, or there about; then turning southeasterly, there measuring southwesterly, on land now or late of Ellis and Mayo, one hundred and thirty feet from the front line on Washington street; then turning at right angles northeasterly, and there measuring southeasterly, on land now or late of said Ellis and Mayo, seventy-two feet; then turning northwesterly, and there measuring to the point of beginning, one hundred and thirty feet northeasterly, on a narrow gore of land between said premises and Dover street, which gore runs to a point on Washington street; also of all the buildings thereon standing, with all the rights, easements, privileges, and appurtenances thereto belonging; said estate being the mansion house of said William Brown, and the land under and about the same, assigned thereto in his said will. The said petitioner investing the net proceeds of said sale, agreeably to the provisions of the will of said William Brown, for the benefit of said Sarah Brown, and her heirs at law, in property or securities, such as are therein named, or of such other character as shall be approved by the judge of probate for said Suffolk: *provided, however*, that the petitioner, said Sarah Brown, shall first give bond to the judge of probate for said county of Suffolk, with surety or sureties in such sum as shall be satisfactory to said judge, faithfully to account for the proceeds of any sale which may be made under this resolve. [Approved by the Governor, April 7, 1846.]

Investment of
proceeds.

Provided, &c.

RESOLVE for sundry Repairs upon the State House.

Chap. 97.

Resolved, That the sergeant-at-arms cause additional iron doors to be affixed to the safe rooms, and also to renew the flight of stairs leading to the cupola, and to make such other necessary repairs as may be deemed expedient.

Sergeant-at-arms to affix additional iron doors to safes, &c ; renew stairs, &c.

Appropriation of \$600, &c.

Resolved, That the sum of six hundred dollars be appropriated for the above purpose, which sum, or so much thereof as may be necessary to be expended, and the accounts thereof, shall be audited and paid agreeably to the provisions of the act of March eighteenth, in the year one thousand eight hundred and forty-one, entitled, "an act relating to the state house." [*Approved by the Governor, April 7, 1846.*]

RESOLVE on the Petition of Angelo D. Stevens.

Chap. 98.

Resolved, for reasons set forth in the petition of Angelo D. Stevens, that the county treasurer of the county of Berkshire, be authorized and directed, to surrender to said Stevens, his note for fifty-seven dollars and fourteen cents, on demand therefor. [*Approved by the Governor, April 8, 1846.*]

Treasurer of Berkshire county to surrender note on demand thereof.

RESOLVE relating to the Survey of the Harbor of New Bedford.

Chap. 99.

Resolved, That his excellency the governor is hereby authorized and requested, with the advice and consent of the council, to appoint one or more commissioners, to take or cause to be taken, an accurate survey and soundings of the harbor of New Bedford, and to report whether any injury has arisen, or is to be apprehended, from the authority given by law to the owners of lots, adjoining the Acushnet river, to erect and maintain wharves, extending to the channel of the river, whether any alteration of said law is necessary, in order to preserve unimpaired the free navigation of said river, and to prevent injury to the harbor by encroachments from either side; and whether it is necessary to define limits in the harbor, by established lines, beyond which no individual shall be allowed to extend his wharf, or to lay vessels, while secured to any wharf now built, or that may hereafter be erected; said commissioners to give at least ten days' notice of the time and place of their meeting, by publishing the same three times in the New Bedford Mercury, and leaving a copy thereof with the town clerk of New Bedford, and one with the town clerk of Fairhaven, so that all persons interested may appear and be heard in relation to the same; and to make report of their doings on or before the first day of January next to the governor and council, with such plans, or other sufficient representations and descriptions thereof, as shall clearly show and exhibit the same, which report and plans shall be laid before the Legislature by the governor.

Governor, with advice, &c., to appoint a commission for survey of New Bedford harbor, &c.

Commissioners to give ten day s' notice, &c.

and to make report,

to be laid before the Legislature.

Appropriation
of, not exceed-
ing \$1,000.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to draw his warrant on the treasurer of the Commonwealth for such sum or sums of money, not exceeding in the whole one thousand dollars, as may be necessary to carry the foregoing resolve into effect. And the governor and council are further authorized and empowered to audit and allow the account of the commissioner or commissioners, appointed to make the foregoing surveys and plans. [*Approved by the Governor, April 8, 1846.*]

Chap 100.

Executor and
administrator
authorized to
convey real es-
tate in Shrews-
bury.

RESOLVE on the Petition of Adam Harrington and William H. Knowlton.

Resolved, for reasons set forth in said petition, that Adam Harrington, of Shrewsbury, in the county of Worcester, executor of the last will and testament of Azor R. Phelps, late of said Shrewsbury, administrator of the estate of Edward Newton, late of said Shrewsbury, deceased, and William H. Knowlton, administrator of the remaining goods and estates of said Newton, not administered upon by the said Phelps, are hereby authorized to convey, in fee simple, by a good and sufficient deed, to Asa Rider, of said Shrewsbury, all the right, title, and interest which the said Newton had, at the time of his decease, in and unto a certain tract of woodland, situate in the south part of said Shrewsbury, containing about ten acres, for the consideration of the sum of two hundred and twenty-two dollars, paid the said Phelps during his life time. Also, to convey, as aforesaid, to Levi Newton, all the right, title, and interest which the said Edward Newton had, as aforesaid, in and unto a certain other tract of land, containing about one and a half acres, being a part of a tract of land, known as the Bragg meadow, and situate near the aforesaid woodland, for the consideration of the sum of twenty dollars and fifty cents, paid the said Phelps, as aforesaid. Also, to convey, as aforesaid, to Thomas Harrington, all the right, title and interest which Edward Newton had, as aforesaid, in and unto a certain other tract of land, containing about three acres, it being a part of the meadow, known as aforesaid, for the consideration of the sum of twenty dollars and sixty-two cents, paid the said Phelps, as aforesaid. [*Approved by the Governor, April 9, 1846.*]

Chap 101.

Allowance of
\$172 99 for ar-
rest, &c., of fu-
gitives.

RESOLVE on the Petition of Stephen G. Davis.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth, to Stephen G. Davis, one hundred and seventy-two dollars and ninety-nine cents, in full for all expenses and charges incurred by him in procuring the arrest and conviction of Daniel C. Emery and John M. King, two forgers and fugitives from justice, and that the governor draw his warrant

therefor accordingly. [*Approved by the Governor, April 9, 1846.*]

RESOLVE on the Petitions of Richard Sullivan and Thomas C. Amory, Jr.

Resolved, for reasons set forth in said petitions, that the resolve passed the seventh day of March, in the present year, authorizing John L. Sullivan to execute a deed of confirmation of certain real estate, and the resolve passed the twelfth day of March, in the present year, authorizing Thomas C. Amory, Junior, to sell and convey certain real estate, be, and each of the said resolves hereby is, amended as to the description of a deed mentioned in the said resolves, as given by David Wood and others to Thomas Russell, by inserting between the word "to" and the word "Thomas," the words "John M. Russell and others, heirs of," so that the real estate aforesaid may be designated as described in a deed from David Wood and others to John M. Russell and others, heirs of Thomas Russell. [*Approved by the Governor, April 9, 1846.*]

Chap 102.

Resolves of 1846, chaps. 39 and 47, amended.

RESOLVE on the Petition of Samuel Boylston.

Resolved, for reasons set forth in said petition, that the judge of probate, in the county of Hampden, be, and he hereby is authorized, to appoint some suitable person to be administrator of the estate of Edward Boylston, formerly of Springfield, in said county of Hampden, deceased, in like manner as if the death of said Boylston had occurred within twenty years. [*Approved by the Governor, April 9, 1846.*]

Chap 103.

Judge of Probate in county of Hampden, to appoint an administrator of the estate of Edward Boylston, deceased.

RESOLVE on the Petition of John Kendall.

Resolved, for reasons set forth in said petition, that John Kendall, trustee under the will of Joseph Richardson, late of Fitchburg, in the county of Worcester, deceased, or his successor in said trust, be, and hereby is, authorized to sell and convey, at public or private sale, a certain parcel of land, containing ninety-four acres and one hundred and seventeen rods, more or less, situated in the northerly part of said Fitchburg, set off to the said trustee, to be held for the purposes in the said will expressed, and to make and deliver good and sufficient deed or deeds therefor in fee simple, to the purchaser or purchasers: *provided*, that the said trustees shall first give bond with sufficient sureties, to the satisfaction of the judge of probate for the county of Worcester, to account properly for the proceeds thereof; to hold the same upon the same conditions, and for the purposes for which he now holds such real estate, and to apply the interest thereof, in conformity to the provisions of said will. [*Approved by the Governor, April 9, 1846.*]

Chap 104.

Trustee under the will of Joseph Richardson authorized to sell and convey real estate in Fitchburg.

Provided, &c.

Chap 105.

RESOLVE for the Pay of the Clerks of the Legislature.

Allowance to the clerk of the senate of \$10, to the assistant clerk of the senate \$6, and to the clerk of the house \$10 for each day of the session; and of \$100 each to clerks of senate and house for copy of the journals.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the clerk of the senate, the sum of ten dollars per day, to the assistant clerk of the senate the sum of six dollars per day, and to the clerk of the house of representatives the sum of ten dollars per day, for each and every day's attendance they have been or may be employed in that capacity during the present session of the Legislature; and that there be further paid to the clerk of the senate and to the clerk of the house of representatives, the sum of one hundred dollars each, for copying the journals for the library, as required by the orders of the two houses, and that warrants be drawn accordingly. [Approved by the Governor, April 9, 1846.]

Chap 106.

RESOLVE on the Petition of Horatio Byington.

Administrator of the estate of Henry W. Dwight, authorized to make and deliver deeds of real estate.

Resolved, for reasons set forth in said petition, that Horatio Byington, of Stockbridge, in the county of Berkshire, administrator *de bonis non* upon the estate of Henry W. Dwight, late of said Stockbridge, deceased, is hereby authorized and empowered to deliver to James Fowler, of Westfield, a deed of certain real estate, heretofore executed for the purpose of being so delivered, by Benoni C. Wells, former administrator upon said estate; and also to make, execute and deliver to Louis Dwight, of Boston, a good and sufficient deed in fee simple, excepting a dower right, of certain other real estate heretofore bargained and sold to the said Dwight by the said former administrator: *provided*, that the said Byington shall first give bond to the satisfaction of the judge of probate for the county of Berkshire, faithfully to apply the consideration to be received by him on the delivering of such deeds to the payment of the debts against said estate, and to account for the balance, if any, according to law. [Approved by the Governor, April 9, 1846.]

Provided, &c.

Chap 107.

RESOLVE providing for Repairs in the Senate Chamber.

Sergeant-at-arms, under the direction of a committee, to procure new window frames, &c., for senate chamber.

Resolved, That the sergeant-at-arms, under the direction of a committee, consisting of Messrs. Safford, Allen, and Guild, be directed to procure new window frames and sashes for the senate chamber; said sashes to be made of hard wood, and double on the east side and north end of said chamber, and all to be glazed with good, clear, white glass, and hung top and bottom.

Warrants to be drawn for expenses.

Resolved, That the governor be requested to draw warrants on the treasury for the payment of the expenses of said repairs. [Approved by the Governor, April 9, 1846.]

Chap 108.

RESOLVE on the Petition of Benjamin White.

Allowance of

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth to Benja-

min White, of Hanover, the sum of ten dollars, for furnishing accommodations for a justices' court; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 9, 1846.*]

§10 for furnishing accommodations for a Justices' Court.

RESOLVE on the Petition of John Hecktor.

Resolved, for reasons set forth in said petition, that Charles Brigham, junior, trustee of the Grafton or Hassanimisco Indians be, and he hereby is, authorized to assign and allot to the said John Hecktor and to Harry Arnold, each their respective share or moiety of the real estate, late in the occupancy of their mother, Lucy Hecktor, now deceased, such assignment and allotment being returned to, and approved by the governor and council, to be conclusive as to the right of occupying said real estate, until otherwise ordered by the General Court; and the governor and council are hereby authorized to credit the account of said Brigham for the expenses of this proceeding, and to draw a warrant therefor upon the treasury. [*Approved by the Governor, April 9, 1846.*]

Chap 109.

Trustee of the Grafton Indians authorized to allot real estate to John Hecktor and Harry Arnold, &c.

Warrant to be drawn for expenses.

RESOLVES relating to the Tariff and Protective Policy.

Resolved, That the Legislature of Massachusetts cordially responds to the views presented by his excellency the governor, in his annual address, showing that it belongs to the general government, not only as a power but a duty, to give encouragement to manufactures, as recommended by General Washington, through the "protective duties" sanctioned by Mr. Jefferson and enforced by his successors.

Chap 110.

Duty of general government to encourage manufactures.

Resolved, That while it rests with the national government to decide when and how far that power shall be exercised, in the opinion of this Legislature, the beneficial effects of the protective system on agriculture, that were particularly pointed out by General Jackson, have been realized; that the present tariff is advantageous to every part of the country, giving to labor the security that is required against rivalry from foreign pauperism, while it raises no more of revenue than is indispensable, and provides steady supplies of most of the manufactures that are used by the poor, at lower rates than they have ever been obtained elsewhere; and that its repeal in the general prosperity that exists, would be ill-timed and injurious throughout the union.

The present tariff a salutary measure.

Resolved, That, while the people of Massachusetts ask no special legislation for their own benefit, they protest against the discrimination which it is proposed to make against them by fixing higher rates of duty for the security of labor in the middle and southern states, than for their own.

Protest against discrimination in favor of other States.

And resolved further, That, at a time when war is mentioned in the national councils as by no means improbable, any proposal that tends to discourage the fisheries, the nur-

Impolicy of discouraging the fisheries.

sery of our seamen, is impolitic in a national view. [*Approved by the Governor, April 10, 1846.*]

Chap 111.

RESOLVE for the Payment of Military Accounts.

Allowance of
\$1664 17½.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the several persons mentioned in the accompanying roll of military accounts, the sums set against their names respectively, amounting in the whole to sixteen hundred sixty-four dollars and seventeen and one-half cents, the same being in full discharge of the demands to which they refer; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 10, 1846.*]

Chap 112.

RESOLVE on the Petition of Charles and William D. Crooker.

Allowance of
\$298 in full for
any claim
against the
Common-
wealth, &c.

Provided, &c.

Resolved, That there be paid out of the treasury of the Commonwealth, to Charles Crooker and William D. Crooker, two hundred and ninety-eight dollars, in full for any claim they may have against this Commonwealth, touching any purchase they may have made of the land agent, by deed dated the twentieth day of December, in the year one thousand eight hundred and thirty-nine: *provided*, they shall first reconvey to this Commonwealth all rights they may have acquired by such purchase. [*Approved by the Governor, April 10, 1846.*]

Chap 113.

RESOLVE in favor of John V. Low.

Allowance of
\$64 to assistant
messenger dis-
abled by sick-
ness.

Resolved, That the governor and council are hereby authorized to allow and pay to John V. Low, assistant messenger, the full amount which would have been due to him for services, during the present session of the Legislature, if he had not been confined by illness, which occurred while in the performance of his official duties. [*Approved by the Governor, April 10, 1846.*]

Chap 114.

RESOLVE for the Payment of Assessors for returning Statistical Information.

Allowance of
\$6,234 81.

Resolved, That there be paid out of the treasury of the Commonwealth, to the assessors of the cities and towns, named in the accompanying roll, the sums allowed and set against said corporations respectively, amounting to six thousand two hundred thirty-four dollars, thirty-one cents, in full discharge of the accounts to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, April 11, 1846.*]

Chap 115.

RESOLVES concerning the Boundary Line between Massachusetts and Rhode Island.

Commissioners
to erect stone
monuments,

Resolved, That the commissioners appointed by virtue of a resolve concerning the boundary line between Massachusetts and Rhode Island, passed the twenty-seventh day of Febru-

ary, in the year one thousand eight hundred and forty-four, be authorized, in conjunction with the commissioners on the part of Rhode Island, to erect suitable stone monuments, marked with the letters MASS. engraved on one side, and R. I. on the opposite side, at the prominent angles of the line, from the Atlantic to the northwest corner of the state of Rhode Island, and at such other points of the line, as may subserve public convenience, the expense whereof to be at the joint and equal charge of the two states: *provided*, if the commissioners on the part of Rhode Island, decline acting in the premises, the commissioners on the part of Massachusetts shall nevertheless procure and erect such monuments as aforesaid, at such places as they shall deem expedient, for the proper marking and establishment of the line aforesaid.

marked, &c.,
at the prominent
angles of
the line, &c.

Provided, &c.

Resolved, That the governor and council are hereby authorized to audit and settle said commissioners' accounts for the services contemplated by the preceding resolve; and draw a warrant on the treasury for the same.

Governor and
council author-
ized to audit
and settle com-
missioners' ac-
counts.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolves to his excellency the governor of Rhode Island. [*Approved by the Governor, April 11, 1846.*]

Resolves to be
transmitted,
&c.

RESOLVE on the Petition of Charles Smith.

Resolved, for reasons set forth in said petition, that Charles Smith, trustee under the marriage settlement of Sarah A. Bryant, is hereby authorized to join in executing such an indenture as shall be required to confirm the titles of sundry persons to lands, which are now held by them under the partition made by the probate court of the county of Suffolk, of the real estate of Abraham Bird, deceased, and as shall be required to make and confirm to him, as trustee, a title to so much of said real estate as was set off in said petition for the benefit of his *cestuis que* trust. [*Approved by the Governor, April 11, 1846.*]

Chap 116.

Trustee under
the marriage
settlement of
Sarah A. Bry-
ant to join in
executing an
indenture.

RESOLVE for the appointment of Commissioners on Idiocy.

Resolved, That his excellency the governor, by and with the advice and consent of the council, is hereby authorized to appoint three persons to be commissioners to inquire into the condition of the idiots in the Commonwealth, to ascertain their number, and whether any thing can be done for their relief, and make report of their doings to the next General Court. The commissioners shall be paid for the time actually spent in the discharge of their duty, and for their necessary travel, the same compensation that is made to members of the Legislature, and the governor is hereby authorized to draw his warrant upon the treasury therefor. [*Approved by the Governor, April 11, 1846.*]

Chap 117.

The governor
with advice,
&c., may ap-
point three
commissioners.

Compensation
of commission-
ers to be \$2 per
day for each
day's service,
and \$2 for eve-
ry ten miles of
travel.

Chap 118.

RESOLVE on the Petition of Daniel B. Fearing and Charles N. Fearing.

Executors of
the will of Wil-
liam Fearing
authorized to
sell and convey
real estate in
New Bedford,
Wareham, Ply-
mouth and Car-
ver.

Resolved, for reasons set forth in said petition, that Daniel B. Fearing and Charles N. Fearing, executors of the last will and testament of William Fearing, late of New Bedford, in the county of Bristol, deceased, are hereby authorized to sell and convey, in fee simple, at public or private sale, the following described real estate, which belonged to the said deceased at the time of his death, viz.: his mansion house and lot, situate on Walnut street, in New Bedford, containing about thirty rods; also, a dwelling-house and lot, situate in the "narrows village," in Wareham, in the county of Plymouth, and bounded northerly by land of Loyd Chipman, westerly by land of Joshua Gibbs, 3d, southerly by land of Eliza Burgess, and easterly by the old street; also, another dwelling-house and lot, situate in the same village, and bounded westerly by said street, northerly by land of Elkanah Hamblin, easterly by the river, and southerly by land of Perez F. Dogget; also, one undivided fourth part of the eighteenth share of the fifth great lot of Plymouth and Plympton commons, lying in Plymouth, the whole containing about one hundred and sixty acres; also, one undivided fourth part of the twentieth share in said great lot, lying part in Plymouth and part in Wareham, whole lot containing about one hundred and sixty acres; also, about forty acres of land called the "Rider lot," lying in Plymouth, in the nineteenth share of said "great lot;" also, one undivided fourth part of a lot of land in Wareham, in the sixth great lot in Agawam purchase, the whole lot containing about seventy acres, and bounded southerly and westerly by land of Benjamin Fearing; also, one undivided fourth part of a lot of land lying in said Wareham, in said great lot, the whole containing about thirty acres, and bounded southerly by the half mile line, and easterly and westerly by land of Sylvanus Besse; also, about seventeen acres of cedar swamp, lying in Carver, in said county, in the twentieth cedar swamp lot in Carver, near the house of John Bumpas; also, a lot of wood land, lying in said Wareham, south of Agawam river, containing five acres, more or less, and bounded easterly and northerly by salt meadow, and westerly by land of Peter Mackie; also, one undivided half of a lot of wood land lying in said Wareham, south of Muddy pond, cedar swamp, owned in common with Nathaniel Hamblin, whole lot containing about thirty acres; also, eleven undivided ninetieth parts of the ministerial house and lot in said Wareham; also, a lot of salt meadow lying in Agawam, in said Wareham, and bounded northerly by land of James Burgess, and southerly by a creek; also, about two acres of wood land in said Wareham, called the "Heater lot," and bounded northerly, westerly and southerly, by land of the "Parker mills;" also, the pews number four, eight, twenty-nine, and

one half of pew number sixty-seven, in the congregational meeting-house in Wareham; and to make, execute and deliver good and sufficient deeds of the same, to the purchasers, the proceeds of said sales to be accounted for by the said Daniel and Charles, to the judge of probate for the county of Bristol, and disposed of and distributed according to the will of said deceased: *provided*, that said executors shall first give bond, with sufficient surety or sureties, to the said judge of probate, for the faithful execution of the power hereby conferred, and account for the proceeds of such sale as aforesaid: *and provided also*, that the trustees under the will of the said William Fearing, before the proceeds of any such sale be paid to them, shall give a like bond to said judge of probate, to account for such proceeds according to law and said will. [*Approved by the Governor, April 11, 1846.*]

Disposal of
proceeds.

Provided, &c.

RESOLVE in relation to the granting of Permits to cut down Timber on the Public Lands.

Chap 119.

Resolved, That the land agent be directed to suspend the granting of permits to cut down timber, on the lands situated on the river St. John and its tributary streams: *provided*, that if it shall be necessary for the prevention of trespasses, the land agent is authorized to grant a limited number of permits, not exceeding one for any one township. [*Approved by the Governor, April 11, 1846.*]

Land agent to
suspend grant-
ing permits, &c.

Provided, &c.

RESOLVE on the Petition of William Gordon.

Chap 120.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth to William Gordon, coroner, eleven dollars, in full for expenses attending the examination and burial of the body of David Fish, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 14, 1846.*]

Allowance of
\$11 for expense
of burial, &c.,
of David Fish.

RESOLVE on the Petition of the Selectmen of the Town of Hardwick.

Chap 121.

Resolved, for reasons set forth in said petition, that there be reserved out of the present year's income of the school fund, for the benefit of the town of Hardwick, a sum equal to what that town would have received in the year eighteen hundred and forty-five, if the returns required by law from the school committee of said town, had reached the office of the secretary in due season, and that the sum so reserved be added to the share, if any, to which said town may be entitled from the income of the said fund of the present year. [*Approved by the Governor, April 15, 1846.*]

A sum, &c., to
be reserved
from this year's
income of the
school fund and
paid to Hard-
wick.

RESOLVE on the Petition of the Town of Dorchester.

Chap 122.

Resolved, for reasons set forth in the petition of the town of Dorchester, that the selectmen of that town, for the time

Selectmen au-

thorized to sell
land in Dor-
chester by di-
rection of in-
habitants.

being, are hereby authorized to sell and convey, in fee simple, at such time and in such manner, as the inhabitants of that town shall by vote direct, the whole or any part of a certain tract of land situated in said town, containing about twenty-six acres, and known as the "School Pasture," it being the real estate, purchased by a legacy from Christopher Gibson, deceased, and granted to the selectmen of said Dorchester, and their successors, in trust for the use of the school of that town, by one Daniel Preston, on the fourteenth day of February, in the year sixteen hundred and eighty-one, as by reference to the records of said town will appear: *provided*, that the proceeds of any sale under this resolve, shall be paid over and invested as the inhabitants of said town may direct, and shall be known and designated as the "Gibson School Fund," and be held by said town "in perpetuity," for the use of the free schools therein, agreeably to the provisions of the will of said Gibson, proved in the county of Suffolk, in the year one thousand six hundred and seventy-four, and recorded in the probate office for that county. [*Approved by the Governor, April 15, 1846.*]

Provided, &c.

Chap 123

Trustee under
the will of Wad-
leigh Dow au-
thorized to sell
real estate in
Lowell and Sa-
lem.

RESOLVE on the Petition of Zilpha M. Dow.

Resolved, for reasons set forth in said petition, that Zilpha M. Dow, trustee under the will of Wadleigh Dow, deceased, or her successor in said trust, is hereby authorized to sell and convey, in such manner, on such terms, and for such prices, as she shall deem expedient, at public or private sale, the whole or any part of the following real estate, to wit: a parcel of land situate in Lowell, containing about twenty-five hundred square feet, which the testator bought of Simon Pendar, by deed, recorded in the registry of deeds for the county of Middlesex, book 424, page 351, and another parcel, situate in Salem, which he bought of Abram Brown, by deed, recorded in the registry of deeds for the county of Essex, book 337, leaf 190, and to make and execute deeds of conveyance thereof, in fee simple, or otherwise, the proceeds thereof to be held and accounted for, to and upon the uses and trusts, declared by the testator in said will respecting the same estate: *provided*, that said trustee shall first give bond, with sufficient surety or sureties, to the judge of probate for the county of Essex, for the faithful execution of the power hereby conferred, and to apply the proceeds of such sale according to law and said will. [*Approved by the Governor, April 15, 1846.*]

Provided, &c.

RESOLVE on the Petition of Asa Prince and Mary S. Prince.

Chap 124.

Guardian au-
thorized to sell

Resolved, for reasons set forth in said petition, that Stephens Baker, guardian, before her marriage, of Mary S. Prince, a minor, and wife of Asa Prince, daughter and heir of Nathaniel Black, Junior, late of Beverly, in the county

of Essex, deceased, also guardian of Anna W. Black, and Nathaniel Black, minor children and heirs of said Nathaniel Black, Junior, be, and he hereby is authorized and empowered to sell, at public or private sale, the following parcel of real estate situated in said town of Beverly, and formerly belonging to said Nathaniel Black, Junior, to wit: about two acres of land, bounded northerly by land of Mehitable Hammond and John Groves, easterly by land of Dumeresque and Charles Harris, southerly by land of Mark Woodbury, Junior, and westwardly by land of John A. Lowell; and that the said Stephens Baker be authorized to convey the said land to the purchaser, by good and sufficient conveyance, in fee simple: *provided, however*, that before making said conveyance, said guardian shall give bonds, with sufficient surety or sureties, to the judge of probate for the county of Essex, conditioned to hold or re-invest the proceeds of the sale of said real estate, during the minority of said Mary S. Prince, Anna W. Black, and Nathaniel Black, so as not to affect the legal rights thereto in other persons, as now existing, with regard to the real estate, and further, faithfully to execute the powers granted by this resolve. [*Approved by the Governor, April 15, 1846.*]

real estate in
Beverly.

Provided, &c.

RESOLVE on the Petition of Timothy Bailey.

Resolved, for reasons set forth in said petition, that Timothy Bailey, of Malden, in the county of Middlesex, executor of the last will and testament of Thomas Vinton, late of Stoneham, in said county, deceased, is hereby authorized and empowered to sell and convey, in fee simple, at public or private sale, the whole or any part of the real estate, now held by him under the said will, in trust for the Baptist church in said Malden, and to execute and deliver any deeds which may be necessary to pass a complete title to said real estate, or any part thereof, to the purchasers; the proceeds of such sale to be invested or secured by mortgage on real estate, for the benefit of said Baptist church, agreeably to the provisions of said will: *provided*, that previous to any such sale, said executor shall give bond, with sufficient sureties, to the judge of probate for the county of Middlesex, for the faithful disposition of the proceeds of such sale, and the income hereafter arising therefrom, agreeably to the provisions of the will aforesaid. [*Approved by the Governor, April 15, 1846.*]

Chap 125.

Executor of the
will of Thomas
Vinton, author-
ized to sell real
estate in Mal-
den.

Provided, &c.

RESOLVE on the Petition of Noah H. Colman.

Resolved, for reasons set forth in said petition, that Samuel Andrews, guardian, before her marriage, of Amy F. Colman, formerly Amy F. Rich, daughter and heir of Samuel Rich, late of Charlestown, county of Middlesex, deceased, now wife of said Noah H. Colman, and a minor, is

Chap 126.

Guardian au-
thorized to sell
real estate in
Charlestown.

hereby authorized to sell and convey, in fee simple, all the interest said Amy F. Colman has in one undivided sixth part of certain real estate, situated in said Charlestown, and described and bounded as follows, to wit: northeasterly on land now or formerly of Andrew Kettell, there measuring fifty-one feet; southeasterly on land now or formerly of Benjamin Fiske, there measuring forty-three feet; southwesterly on land now or formerly of Isaac Blanchard, there measuring fifty-one feet; northwesterly on Pleasant street, there measuring thirty-five feet, or however otherwise the same may be bounded, together with certain buildings thereon standing, it being the estate formerly of said Rich;—also one undivided fifth part of one undivided sixth of the above described estate, it being the portion to which said Amy F. Colman is entitled as heir at law of Eliza Rich, a minor daughter, now deceased, of said Samuel Rich: *provided*, said Andrews shall, under authority of the probate court for the county of Middlesex, together with the estate of said Amy F. Colman, sell and convey three other undivided sixth parts of the estate above described, and also three other undivided fifths of one undivided sixth of the estate aforesaid, which portions are the property of three other minor children of said Rich, and who are under the guardianship of said Andrews: *provided, also*, that the proceeds of the sale of the above mentioned property of Amy F. Colman, shall be held or reinvested by said guardian, during the minority of said Amy F. Colman, so as not to affect the legal rights and interests of other persons: *and provided further*, that said Andrews shall first give bonds, with sufficient sureties, to the judge of probate for the county of Middlesex, faithfully to execute the powers granted by this resolve, and account for the proceeds according to law. [Approved by the Governor, April 15, 1846.]

Provided, &c.

Chap 127.

RESOLVE on the Petition of Samuel Dana and Nancy Dana, his wife.

Resolved, for reasons set forth in said petition, that Samuel Dana, of Boston, in the county of Suffolk, broker, and Nancy, his wife, are authorized to sell, by public auction or private sale, and to convey in fee simple to the purchaser or purchasers, a certain piece or parcel of land, with the buildings thereon, situated on Bulfinch place, in said Boston, and bounded as follows, to wit: beginning at the northwest corner of the mansion house, now or late of Henry Rice, and running northerly and bounded easterly on land now or late of said Rice, about five feet ten inches; then turning and running westerly and bounded northerly on said Bulfinch place, thirty-two feet; then turning and running southerly and bounded westerly on Bowdoin street, seventy feet nine inches; then turning and running easterly and bounded southerly on land now or late of said Rice,

Petitioners authorized to sell real estate in Boston.

twenty-seven feet nine inches; then turning and running northerly and bounded easterly on land and house now or late of said Rice, sixty-three feet, to the point first mentioned: *provided*, that the said Samuel Dana, before making such sale, shall give bond to the judge of probate for the county of Suffolk, with sufficient sureties, conditioned that he, the said Dana, will invest the proceeds of the sale of said land and buildings, in other real property in this Commonwealth, and have the real property, purchased with said proceeds, so conveyed, that it shall be secured to the said Nancy Dana, for and during her natural life, and, after her death, to the said Samuel Dana, during his natural life, if he shall survive her, and, after the decease of the survivor of them, to the child or children of the said Nancy who shall then be living, in fee simple (the issue of a deceased child taking the share of the parent by representation), they, if more than one, taking as tenants in common; and if there shall be no issue of said Nancy living at the death of the survivor of them, said Samuel and Nancy, then to the heirs at law of Edmund Winchester, late of said Boston, provision merchant, deceased: *and provided also*, that before such sale, all the children of said Samuel Dana and Nancy Dana, then living, shall signify their assent to the making of said sale, by said Samuel Dana and Nancy Dana, of said land and buildings, under this resolve, by a writing, to be filed in the probate office of said county of Suffolk, to be signed by any children of said Nancy and Samuel who are of age, and by the guardian or guardians of those under age. [*Approved by the Governor, April 15, 1846.*]

Provided, &c.

RESOLVES relating to certain Flats in the Harbor of Boston.

Resolved, That the governor and council be authorized and requested to appoint three commissioners, of competent science and judgment, to examine the position of the flats in the harbor of Boston, between South Boston and the channel, and lying opposite to the wharves on Sea and Broad streets, with a view to ascertain whether any improvement can be made thereof, beneficial to the commerce of Boston, and to report, before the first day of January next, such a plan of improvement as may appear to them to be feasible and judicious, and whether it would be beneficial to straighten the commissioners' line between Arch wharf and Wales's wharf.

Resolved, That the governor be requested to draw warrants on the treasury to defray the expenses of said examination, and that, if said flats should hereafter be transferred by the Commonwealth, it shall be with the condition that all said expenses shall be repaid.

Resolved, That the governor be requested to communicate the report of said commissioners to the next Legislature. [*Approved by the Governor, April 16, 1846.*]

Chap 128.

The governor and council to appoint three commissioners to examine, &c.

Commissioners to report before Jan. 1, 1847.

Warrants to be drawn to defray expenses, &c.

Commissioners' report to be communicated to the Legislature.

Chap 129.

RESOLVE to pay for certain Improvements in the Senate Chamber.

Warrants to be drawn to pay for carpet for the Senate Chamber, &c.

Resolved, That the governor be requested to draw warrants on the treasury in favor of the sergeant-at-arms, for such sums as may be necessary to pay the expenses which may be incurred in carrying into effect an order of the senate of the eighth day of April instant, for the procuring of a carpet for the senate chamber, and for other purposes specified in said order. [*Approved by the Governor, April 16, 1846.*]

Chap 130.

RESOLVE on the Petition of Selectmen of the Town of Halifax, for Reimbursement of Money paid for Military Services.

Allowance of \$274.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the town of Halifax, the sum of two hundred and seventy-four dollars in full for money paid in the year one thousand eight hundred and forty-five, for militia bounty, upon his establishing the claim of said town to the same in manner and form, as if the return had been made within the time specified by law; and that the governor draw his warrant accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 131.

RESOLVE in addition to a Resolve authorizing the Survey of South Bay and Charles and Mystic Rivers.

The governor, with advice, &c., to appoint commissioners to ascertain private rights, &c.

Resolved, That his excellency the governor is hereby authorized and requested, with the advice and consent of the council, to appoint one or more commissioners to ascertain what private rights will be affected by adopting the precautions and restrictions recommended or pointed out in the report and plans of the commissioners appointed for the survey of South Bay, Charles River and Mystic River and Pond, what is the value of those rights, and what amount of compensation will be required, by the proprietors, for the necessary interference with them, also to examine the wharves and other structures that have been built, or extended on the borders of the harbor of Boston, or within its channels, by permission from the Legislature, granted since the establishment of the line recommended by the commissioners, in the year one thousand eight hundred and thirty-seven, or otherwise, and to report the facts in all cases of violation of the law. And said commissioner or commissioners shall give at least ten days' notice, in three or more newspapers published in Boston, of a time and place for hearing, so that all persons interested may appear and be heard in relation to the matters herein mentioned, and shall make report of all doings thereon before the first day of December next, to the governor, who is hereby requested to lay the same before the Legislature.

Commissioners to issue notice, &c., and make report, &c.

Resolved, That the governor and council are authorized

to audit and allow the account of the commissioner or commissioners so appointed, and that the governor, with the advice of the council, is hereby authorized to draw his warrant on the treasurer of the Commonwealth, for such sum or sums of money, not exceeding in the whole five hundred dollars, as may be necessary to carry the foregoing resolves into effect. [*Approved by the Governor, April 16, 1846.*]

Appropriation
of not exceed-
ing \$500, &c.

RESOLVE on the Petition of the Selectmen of the Town of Upton for Reimbursement for Money paid for Military Services.

Chap 132.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the town of Upton, the sum of two hundred and seventy-five dollars, in full for money paid in the year one thousand eight hundred and forty-five, for militia bounty, upon his establishing the claim of said town to the same, in manner and form, as if the return had been made within the time specified by law, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Allowance of
\$275.

RESOLVE concerning Attachments on Processes issued by the Courts of the United States.

Chap 133.

Resolved, That the senators and representatives of this Commonwealth in the congress of the United States, are hereby requested to use all proper exertions to procure the passage of an act of congress, declaring that attachments of the property of citizens of Massachusetts, by process issuing from the courts of the United States sitting in the district of Massachusetts, shall be subject to be dissolved by the subsequent proceedings in insolvency of the defendants, in such suits, in like manner, as if the same were made under and by virtue of process issuing from the courts of this Commonwealth. [*Approved by the Governor, April 16, 1846.*]

Application for
an act of con-
gress to dissolve
attachments by
proceedings in
insolvency, &c.

RESOLVE on the Petition of the Selectmen of the Town of Middleborough for Military Services.

Chap 134.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the town of Middleborough, the sum of seven hundred and sixteen dollars and fifty cents, in full for money paid in the year one thousand eight hundred and forty-five, for militia bounty, upon his establishing the claim of said town to the same, in manner and form as if the return had been made within the time specified by law, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Allowance of
\$716 50.

RESOLVE in favor of Enos Turner.

Chap 135.

Resolved, for reasons set forth in the petition of John S. Tyler, that there be paid out of the treasury of the Com-

Allowance of \$6
for military ser-
vices.

monwealth, to Enos Turner, six dollars, for military services rendered during the year one thousand eight hundred and forty-five, as major in the fifth regiment and first brigade of artillery, upon his establishing his claim in the same manner as if the return had been made within the time specified by law, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 136.

RESOLVE on the Petition of the Selectmen of the Town of Norton for reimbursement of Money paid for Military Services.

Allowance of
\$177.

Resolved, for reasons set forth in said petition, that there be allowed and paid out of the treasury of the Commonwealth, to the treasurer of the town of Norton, the sum of one hundred and seventy-seven dollars, in full for money paid in the year one thousand eight hundred and forty-five, for militia bounty, upon his establishing the claim of said town to the same, in manner and form as if the return had been made within the time specified by law, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 137.

RESOLVE on the Petition of Nathaniel L. Taft and others.

Allowance of \$1
each to thirteen
members of
Company A,
&c.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to Nathaniel L. Taft, Emery D. Bryant, Charles Leland, Marvel Parker, Chaney Nelson, Henry Tyler, Erastus Cook, Anson W. Pond, William G. Collicott, Stock Hills, Daniel P. Adams, Nathaniel Bosworth and Martin Fletcher, members of the company of infantry, designated as Company A, of the eighth regiment, fifth brigade and third division of the Massachusetts volunteer militia, the sum of one dollar each, for services rendered according to law, for the inspection in May, in the year one thousand eight hundred and forty-five, upon their establishing their claim to the same, in manner and form, as if they had performed the requisite duties for the full year, and the return had been made within the time specified by law; and that the governor draw his warrants therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 138.

RESOLVE in relation to Rainsford Island in the Harbor, and the State Arsenal in the City of Boston.

The governor to
ascertain Com-
monwealth's
title to Rains-
ford Island and
the State Arse-
nal, and with ad-
vice, &c., to re-
lease to city of
Boston.

Resolved, That his excellency the governor, by and with the advice and consent of the council, be authorized and requested to inquire into and ascertain the title of the Commonwealth, to Rainsford Island, in the harbor of Boston, and to the State Arsenal, in the city of Boston, and that the governor, by and with the advice and consent of the council, have power and is hereby authorized to release unto the

city of Boston, all the right and title of the Commonwealth to said island and arsenal, upon such terms and considerations, as, in their judgment, the interests of the Commonwealth may require. [*Approved by the Governor, April 16, 1846.*]

RESOLVE on the Petition of David Wilder, Jr.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, to David Wilder, Jr., the sum of four hundred dollars, for extra services rendered to the Commonwealth in the office of the treasurer, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 139.

Allowance of
\$400 for extra
services in
treasurer's
office.

RESOLVE on Petition of Mary A. D. Robinson, Administratrix.

Resolved, for reasons set forth in the said petition, that Mary A. D. Robinson, administratrix of the goods and estate of Thomas Robinson, late of Boston, broker, deceased, (and her successor in said office,) be, and hereby is authorized and empowered to sell and convey any of the real estate, rights or property which said Thomas Robinson transferred or conveyed to Ebenezer Eaton, in trust by a tripartite instrument of assignment, dated the fourteenth day of June, one thousand eight hundred and thirty-seven, recorded in the registry of deeds for the county of Suffolk, book 460, leaf 292, or by either of the deeds of the same date, recorded in said registry, book 421, leaf 143, and book 427, leaf 180. And the deed of said administratrix or her successor, in said office, with the release or conveyance of said Eaton, his executor or administrator, made or to be made, in any case shall be good and effectual in law and in equity, to convey such estate, rights or property or any part thereof, fully divested and discharged of all trusts, mentioned in any of said instruments, or resulting therefrom, or from any subsequent transfer of any such property, by or to said trustee, or growing out of the same; hereby expressly authorizing and empowering said administratrix or her successor, to sell and convey as aforesaid, the estates described in the deed from said Eaton to said Robinson, dated December fifth, one thousand eight hundred and thirty-seven, recorded in said registry, book 427, leaf 297, and which said Robinson afterwards conveyed to said trustee by deed dated May ninth, one thousand eight hundred and thirty-eight, recorded in said registry, book 431, leaf 103, and also to confirm, render valid and make effectual, in law and in equity, two certain deeds made by said trustee to William P. Gibbs, dated June fourteenth, one thousand eight hundred and forty-five, recorded in said registry, book 546, leaves 177 and 271, and to execute and deliver to said Gibbs, his heirs or assigns,

Chap 140.

Administratrix
of the estate of
Thomas Robin-
son authorized
to sell real es-
tate, &c.

any further deed of release, or confirmation that may be necessary or proper to perfect the title to said Gibbs, his heirs or assigns, to the premises described in said deeds, and any deeds or transfers heretofore made by said trustee, of any of such trust property, and any sales and conveyances which have been made by said administratrix, pursuant to license from the court of probate, shall be as good and effectual in the premises, as if none of said trusts had ever attached to said estates. It being, *however, provided*, that said administratrix, or her said successor, shall first give bond to the judge of probate for the county of Suffolk, with sufficient surety or sureties to apply the proceeds of such sales, so far as may be necessary, to the payment of the debts of said deceased, and to account for all the proceeds that may remain after payment of such debts, and the charges of administering the estate, and faithfully to perform the trust reposed in her by this resolve.

Provided, &c.

When to take effect.

Resolved, That this resolve shall take effect from and after its passage. [*Approved by the Governor, April 16, 1846.*]

Chap 141.

RESOLVE for Auditing and Paying the Accounts for Republishing the Laws.

Treasurer to audit and pay accounts, &c.

Resolved, That the treasurer of the Commonwealth be authorized and directed to audit, allow and pay, from the treasury, to all persons having demands against the Commonwealth for publishing the laws of the State, who shall, within ninety days after the adjournment of the present General Court, make to him satisfactory proof that they have complied with the requirements of the Resolve of June 25, 1794, except as to the time within which the publication is required to be made, and that the governor be requested to draw his warrant accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 142.

RESOLVE for the Payment of sundry Miscellaneous Accounts.

Allowance of §36,822 19.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their several names respectively, amounting in the whole to thirty-six thousand eight hundred twenty-two dollars and nineteen cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 143.

RESOLVES for the Erection of a State Manual Labor School.

The Governor with advice, &c., to appoint three commissioners, to obtain land, &c.

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby authorized and empowered to appoint a board of three commissioners, who shall have power to select and obtain, by gift or purchase, and take a conveyance to the Common-

wealth, of a lot of land, containing not less than fifty acres, which shall be an eligible site for a manual labor school, for the employment, instruction and reformation of juvenile offenders, regard being had, in the selection thereof, to the centre of population, cheapness of living, and facility of access. And that said commissioners shall further be directed to procure plans and estimates for the buildings necessary for such an institution, and to prepare and mature a system for the government thereof, and to ascertain what laws would be necessary and proper to put the same into successful operation, and to report the result to his excellency the governor, in season to be communicated to the Legislature at the commencement of their next session. And the said commissioners shall present all their accounts to the governor and council to be by them audited and allowed as they may deem just.

To procure plans, devise system, &c.

to make report to the governor, &c.

Accounts of commissioners.

Resolved, That to defray the expense incurred by the purchase of said land, and in the execution of the other objects of the commission, his excellency the governor be, and he hereby is, authorized to draw his warrants, from time to time, on the treasury of the Commonwealth, for any necessary sums of money, not exceeding in the whole ten thousand dollars. [*Approved by the Governor, April 16, 1846.*]

Appropriation not exceeding \$10,000.

RESOLVE on the Petition of William W. Cowell.

Resolved, for reasons set forth in the petition, that there be paid out of the treasury of the Commonwealth to William W. Cowell, deputy sheriff, twenty-one dollars and seventy cents, in full for services and expenses attending the commitment, by order of the judge of probate of the county of Norfolk, of Aaron Hoys, a lunatic, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 16, 1846.*]

Chap 144.

Allowance of \$21 70 for services and expenses in the commitment of a lunatic in Norfolk.

RESOLVE on the Petition of the Managers of the Massachusetts Charitable Eye and Ear Infirmary.

Resolved, for reasons set forth in the petition, that there be allowed and paid out of the treasury of the Commonwealth, in addition to the sums heretofore granted, the sum of five thousand dollars a year, to the said managers, for the term of three years, from the first day of April, in the year eighteen hundred and forty-six, in aid of the charitable purposes of the said infirmary, and that warrants be drawn accordingly: *provided, however*, and the above grant is upon the condition, that the said infirmary shall, within one year from the first day of April, in the year eighteen hundred and forty-six, receive, either from the city of Boston, or some other source or sources, either money or property to the amount and value of ten thousand dollars, in

Chap 145.

Annual allowance of \$5,000 for three years from April 1, 1846, in addition, &c.

Provided, &c.

further aid of the said charitable purposes. [*Approved by the Governor, April 16, 1846.*]

Chap 146.

RESOLVE for the Payment of Sundry Pauper Accounts.

Allowance of
\$33,642 21.

Provided, &c.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to the several corporations and persons mentioned in the accompanying roll, the sum of thirty-three thousand six hundred and forty-two dollars and twenty-one cents, in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly: *provided*, that all payments made under this resolve, shall be made upon the condition that the cities and towns, so receiving the same, shall respectively refund to the treasurer of the Commonwealth such sums as shall be found to have been illegally charged in the accounts upon which such payments are made, by any commissioner appointed by the governor to examine the same. [*Approved by the Governor, April 16, 1846.*]

Chap 147.

RESOLVE concerning the State Pauper Accounts of the Year One Thousand Eight Hundred and Forty-five.

The Governor, with advice, &c., authorized to appoint commissioners to examine certain accounts,

and make report to the next Legislature.

Cities or towns whose claims are overcharged, to be held answerable to the Commonwealth for such overcharge.

Commissioners to examine papers, records, and persons, &c.

Resolved, That his excellency the governor, by and with the advice of the council, is hereby authorized and empowered to appoint a commissioner or commissioners, who shall have power, and are hereby authorized to make a full examination of all claims, presented by any city or town in the Commonwealth, to the Legislature of the present year for the support of State paupers, except those already considered by the committee on accounts, in their report of the eighth day of April, in the year one thousand eight hundred and forty-six. And make a statement and report of all overcharges in said claims, under the existing laws of the Commonwealth, to the next Legislature. And each city or town whose claim, as presented to the Legislature, shall be found to be overcharged, shall be held answerable to the Commonwealth for such overcharge; and such city or town shall be charged with the same accordingly, and be held accountable therefor, to the treasurer of the Commonwealth. And said commissioner or commissioners are hereby authorized and empowered to examine all persons under oath, and all papers and records in each city or town aforesaid, that may be necessary to the full discharge of the duties hereby required. [*Approved by the Governor, April 16, 1846.*]

ROLL OF MILITARY ACCOUNTS, FOR THE YEAR 1845.

[SEE CHAP. 111, PAGE 238.]

DIVISION INSPECTORS. \$25 each per annum.

Division.	Names.	From.	To.	Time.	Pay.	Aggregate.
1st,	E. W. Stone, -	Dec. 31, 1844,	Dec. 31, 1845,	12 months,	\$25 00	\$75 00
2d,	T. J. Adams, -	" " "	" " "	" " "	25 00	
3d,	S. A. Shackford,	" " "	" " "	" " "	25 00	

BRIGADE INSPECTORS. \$25 each per annum.

1st Brigade,	C. A. Coolidge,	Dec. 31, 1844,	Dec. 31, 1845,	12 months,	25 00	152 77
2d "	V. Blanchard,	" " "	" " "	" " "	25 00	
3d "	A. L. Barrett,	" " "	" " "	" " "	25 00	
4th "	N. Conant,	" " "	Feb. 10, 1846,	13 " 10 days,	27 77*	
5th "	C. B. Long,	" " "	" " "	12 " "	25 00	
6th "	L. S. Jones,	" " "	" " "	" " "	25 00	

ADJUTANTS. \$25 each per annum.

1st Regt. Art. -	C. O. Wardwell,	Dec. 31, 1844,	Dec. 31, 1845,	12 months,	25 00	25 00
2d " -	G. A. Burbank,	" " "	" " "	" " "	25 00	
3d " -	S. L. Bardwell,	" " "	" " "	" " "	25 00	

* Made up to the date of the discharge of this officer.

MILITARY ACCOUNTS—Continued.

	Names.	From.	To.	Time.	Pay.	Aggregate.
4th Regt. Art.	F. J. Noyes, -	Dec. 31, 1844,	Sept. 1, 1845,	8 months,	\$16 67	
" " "	-	Sept. 1, 1845,	Dec. 31, "	4 "	8 33	
5th " "	F. Allen, -	Dec. 31, 1844,	" "	12 "	25 00	
1st " "	J. W. Currier,	" "	" "	12 "	25 00	
3d " "	J. Sampson, Jr.,	" "	Sept. 15, "	8 "	17 72	
" " "	E. W. Wilbur,	Sept. 15, 1845,	Dec. 31, "	3 "	7 29	
4th " "	John H. Fellows,	Jan. 15, 1845,	" "	11 "	23 96	
5th " "	G. Ferrin, -	Dec. 31, 1844,	" "	12 "	25 00	
6th " "	William Brown,	" "	Sept. 10, "	8 "	17 37	
" " "	H. Merritt, -	Sept. 9, 1845,	Dec. 31, "	3 "	7 63	
8th " "	J. M. Goodhue,	Dec. 31, 1844,	Aug. 9, "	7 "	15 25	
" " "	J. J. Walker,	Aug. 30, 1845,	Dec. 31, "	4 "	8 33	
9th " "	H. Kibling, -	Dec. 31, 1844,	" "	12 "	25 00	
10th " "	T. B. Bartlett,	" "	" "	12 "	25 00	
11th " "	D. B. Look, -	" "	" "	" "	25 00	
1st Batt.	Amos H. Holbrook,	Feb. 5, 1845,	" "	10 "	22 44	
2d " "	J. H. Perry, -	" "	Dec. 26, "	11 "	24 66	
1st " Rifle,	F. A. Whitney,	Dec. 31, 1844,	Sept. 15, "	8 "	17 71	
2d " "	Asa W. Warren,	Sept. 17, 1844,	Feb. 17, "	5 "	10 42	
1st " Cavalry,	Francis Dresser,	Dec. 31, 1844,	Aug. 28, "	7 "	16 52	
						\$439 30

W. J. Niles' bill, as per resolve of January 31, 1845,

\$15 00

MILITARY ACCOUNTS—Continued.

MILITARY ACCOUNTS.

[illegible]

POSTAGE ACCOUNTS.

Col. Thomas J. Bowler,	.	.	.	.	\$3 45
“ Elisha A. Edwards,	.	.	.	.	92 $\frac{1}{2}$
Maj. P. S. Bates,	.	.	.	.	1 25
Gen. Benjamin Adams,	.	.	.	.	1 40
“ D. S. Jones,	.	.	.	.	1 75
“ George Hobbs,	.	.	.	.	2 50
Adj. John H. Perry,	.	.	.	.	*2 25
Col. E. W. Stone,	.	.	.	.	3 75
					<hr/>
					\$17 27 $\frac{1}{2}$

*See bill for services as Adjutant.

RECAPITULATION.

Division Inspectors,	.	.	.	.	\$75 00
Brigade do.	.	.	.	.	152 77
Adjutants,	.	.	.	.	439 30
Hauling Artillery,	.	.	.	.	964 83
Postage,	.	.	.	.	17 27 $\frac{1}{2}$
					<hr/>
Total,	.	.	.	.	\$1649 17 $\frac{1}{2}$
W. J. Niles,—bill,	.	.	.	.	15 00
					<hr/>
					\$1664 17 $\frac{1}{2}$

ROLL OF ASSESSORS' ACCOUNTS,*For taking Statistics, 1845.*

[SEE CHAP. 114, PAGE 238.]

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
SUFFOLK COUNTY.			
Boston, . . . . .	. . . . .	. . . . .	\$142 50
Chelsea, . . . . .	. . . . .	. . . . .	7 50
			150 00
ESSEX COUNTY.			
Amesbury, . . . . .	. . . . .	. . . . .	\$26 25
Andover, . . . . .	. . . . .	. . . . .	35 00
Beverly, . . . . .	. . . . .	. . . . .	45 00
Boxford, . . . . .	. . . . .	. . . . .	13 12
Bradford, . . . . .	. . . . .	. . . . .	16 25
Danvers, . . . . .	. . . . .	. . . . .	50 00
Essex, . . . . .	. . . . .	. . . . .	22 50
Georgetown,	\$30 00	\$7 00	23 00
Gloucester, . . . . .	. . . . .	. . . . .	43 75
Hamilton, . . . . .	. . . . .	. . . . .	15 00
Haverhill,	50 00	7 00	43 00
Ipswich, . . . . .	. . . . .	. . . . .	15 63
Lynn, . . . . .	. . . . .	. . . . .	29 37
Lynnfield, . . . . .	. . . . .	. . . . .	8 75
Manchester, . . . . .	. . . . .	. . . . .	15 00
Marblehead, . . . . .	. . . . .	. . . . .	45 00
Methuen, . . . . .	. . . . .	. . . . .	13 75
Middleton,	15 62	3 62	12 00
Newbury, . . . . .	. . . . .	. . . . .	37 50
Newburyport,	93 75	33 75	60 00
Rockport, . . . . .	. . . . .	. . . . .	3 75
Rowley, . . . . .	. . . . .	. . . . .	12 50
Salem, . . . . .	. . . . .	. . . . .	60 00
Salisbury, . . . . .	. . . . .	. . . . .	26 25
Saugus, . . . . .	. . . . .	. . . . .	7 50
Topsfield,	20 00	4 00	16 00
Wenham, . . . . .	. . . . .	. . . . .	13 75
West Newbury, . . . . .	. . . . .	. . . . .	13 75
			723 37
MIDDLESEX COUNTY.			
Acton, . . . . .	. . . . .	. . . . .	\$15 00
Ashby, . . . . .	. . . . .	. . . . .	15 00
Bedford, . . . . .	. . . . .	. . . . .	13 12
Billerica, . . . . .	. . . . .	. . . . .	21 25
Boxborough, . . . . .	. . . . .	. . . . .	11 25
Brighton,	30 00	9 00	21 00
Burlington,	15 00	3 00	12 00
Cambridge, . . . . .	. . . . .	. . . . .	55 00

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
Carlisle,	\$11 25
Charlestown,	12 50
Chelmsford,	15 00
Concord,	\$43 75	\$15 75	28 00
Dracut,	10 62
Dunstable,	9 00
Framingham,	18 75
Groton,	37 50	9 50	28 00
Holliston,	20 63
Hopkinton,	15 00
Lexington,	15 00
Lincoln,	15 00	3 00	12 00
Littleton,	20 00	4 00	16 00
Lowell,	75 00
Malden,	16 25
Marlborough,	18 75
Medford,	11 25
Natick,	18 75
Newton,	31 25
Pepperell,	25 00	3 00	22 00
Reading,	25 00
Sherburne,	10 00
Shirley,	9 37
Somerville,	11 25
South Reading,	15 00
Stoneham,	15 00
Stow,	15 00
Sudbury,	15 00
Tewksbury,	20 00	4 00	16 00
Townsend,	18 00
Tyngsborough,	8 75
Waltham,	15 00
Watertown,	18 75
Wayland,	11 25
West Cambridge,	16 25
Westford,	11 25
Weston,	15 00
Wilmington,	7 50
Woburn,	26 25
			848 24
WORCESTER COUNTY.			
Ashburnham,	\$13 75
Athol,	10 62
Auburn,	15 00
Barre,	28 75
Berlin,	15 00
Bolton,	15 00
Boylston,	11 25
Brookfield,	30 00	4 00	26 00
Blackstone,	22 50
Charlton,	25 00
Dana,	14 37
Douglas,	41 25	17 25	24 00
Dudley,	22 55
Fitchburg,	30 00

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
Gardner,	\$21 00
Grafton,	29 37
Hardwick,	15 00
Harvard,	\$30 62	\$7 62	23 00
Holden,	20 00
Hubbardston,	13 75
Lancaster,	15 00
Leicester,	15 00
Leominster,	22 50
Lunenburg,	10 00
Mendon,	15 62
Millford,	16 25
Millbury,	15 00
New Braintree,	18 75	4 75	14 00
Northborough,	11 25
Northbridge,	12 50
North Brookfield,	18 75
Oakham,	7 50
Oxford,	25 00
Paxton,	15 00
Petersham,	17 50
Phillipston,	10 00
Princeton,	6 25
Royalston,	16 25
Rutland,	11 25
Shrewsbury,	29 37	6 37	23 00
Sterling,	18 00
Southborough,	14 37
Southbridge,	35 62	7 62	28 00
Spencer,	13 75
Sutton,	20 62
Sturbridge,	25 00
Templeton,	30 00	6 00	24 00
Upton,	16 25
Uxbridge,	52 50	22 50	30 00
Warren,	18 75
Webster,	12 50
Westborough,	15 00
West Boylston,	15 00
Westminster,	28 75	3 75	25 00
Winchendon,	17 50
Worcester,	30 00
			1017 27
HAMPSHIRE COUNTY.			
Amherst,	\$25 00
Belchertown,	31 25
Chesterfield,	8 75
Cummington,	18 75
Easthampton,	7 50
Enfield,	15 00
Granby,	16 25
Greenwich,	13 75
Goshen,	6 25
Hadley,	26 25
Hatfield,	11 25

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
Middlefield,	\$8 33
Northampton,	20 00
Norwich,	10 00
Pelham,	11 25
Plainfield,	13 13
Prescott,	15 00
South Hadley,	15 00
Southampton,	10 62
Ware,	22 50
Westhampton,	15 00
Williamsburg,	11 25
Worthington,	12 50
			344 58
HAMPDEN COUNTY.			
Blandford,	\$18 75
Brimfield,	18 75
Chester,	22 50
Granville,	\$27 50	\$4 50	23 00
Holland,	22 50	7 50	15 00
Longmeadow,	27 50	7 50	20 00
Ludlow,	31 25	8 25	23 00
Monson,	30 63
Montgomery,	15 62
Palmer,	37 50	6 50	31 00
Russell,	10 62
Southwick,	7 50
Springfield,	50 00
Tolland,	10 00
Wales,	10 00
Westfield,	33 75
West Springfield,	50 00	12 00	38 00
Wilbraham,	15 00
			393 12
FRANKLIN COUNTY.			
Ashfield,	\$18 12
Bernardston,	16 25
Buckland,	7 50
Charlemont,	10 00
Coleraine,	16 87
Conway,	21 25
Deerfield,	45 00	17 00	28 00
Erving,	7 50
Gill,	15 00
Greenfield,	11 25
Hawley,	11 25
Heath,	10 00
Leyden,	10 00
Leverett,	16 25
Monroe,	6 25
Montague,	12 50
New Salem,	7 50
Northfield,	23 75
Orange,	45 00	20 00	25 00
Rowe,	11 25

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
Shelburne,	\$15 00
Shutesbury,	15 00
Sunderland,	\$16 25	\$3 25	13 00
Warwick,	15 00
Wendell,	13 75
Whately,	15 00
			<hr/> 372 24
BERKSHIRE COUNTY.			
Adams,	\$38 75
Alford,	9 38
Becket,	12 50
Cheshire,	13 75
Clarksburg,	6 25
Dalton,	14 38
Egremont,	26 25	6 25	20 00
Florida,	11 25
Great Barrington,	30 00
Hancock,	13 75
Hinsdale,	15 00
Lanesborough,	12 50
Lee,	25 00
Lenox,	16 25
Mount Washington,	6 25
New Ashford,	6 25
N. Marlborough,	18 75
Otis,	20 00
Peru,	4 37
Pittsfield,	41 87
Richmond,	15 00
Sandisfield,	20 25
Savoy,	15 00
Sheffield,	75 00	40 00	35 00
Stockbridge,	23 75
Tyringham,	10 00
W. Stockbridge,	10 00
Williamstown,	20 00
Windsor,	11 25
Washington,	13 75
			<hr/> 510 25
NORFOLK COUNTY.			
Braintree,	\$25 00
Bellingham,	20 00	3 00	17 00
Brookline,	20 00
Canton,	12 50
Cohasset,	17 50
Dedham,	51 25	11 25	40 00
Dover,	5 62
Dorchester,	50 00
Foxborough,	26 87	6 87	20 00
Franklin,	37 50	12 50	25 00
Medfield,	9 38
Medway,	20 00
Milton,	30 00	7 00	23 00
Needham,	15 00

TOWNS.	Whole am't charged.	Deduct over- charged.	Amount allowed.
Quincy, . . . . .	. . . . .	. . . . .	\$17 50
Randolph, . . . . .	. . . . .	. . . . .	35 00
Roxbury,	\$126 25	\$46 25	80 00
Sharon, . . . . .	. . . . .	. . . . .	16 25
Stoughton, . . . . .	. . . . .	. . . . .	18 13
Walpole,	25 00	3 00	22 00
Weymouth, . . . . .	. . . . .	. . . . .	21 25
Wrentham,	40 00	8 00	32 00
			542 13
BRISTOL COUNTY.			
Attleborough, . . . . .	. . . . .	. . . . .	\$37 50
Berkley, . . . . .	. . . . .	. . . . .	12 50
Dartmouth, . . . . .	. . . . .	. . . . .	30 00
Dighton, . . . . .	. . . . .	. . . . .	15 00
Easton, . . . . .	. . . . .	. . . . .	22 50
Fairhaven,	153 75	103 75	50 00
Fall River, . . . . .	. . . . .	. . . . .	48 43
Freetown, . . . . .	. . . . .	. . . . .	31 25
Mansfield,	30 00	5 00	25 00
New Bedford, . . . . .	. . . . .	. . . . .	75 00
Norton,	40 00	17 00	23 00
Pawtucket, . . . . .	. . . . .	. . . . .	15 00
Raynham, . . . . .	. . . . .	. . . . .	17 50
Rehoboth, . . . . .	. . . . .	. . . . .	30 00
Seekonk, . . . . .	. . . . .	. . . . .	25 00
Somerset,	20 00	3 00	17 00
Swansey,	40 00	17 00	23 00
Taunton, . . . . .	. . . . .	. . . . .	65 00
Westport, . . . . .	. . . . .	. . . . .	26 56
			589 24
PLYMOUTH COUNTY.			
Abington, . . . . .	. . . . .	. . . . .	\$28 75
Bridgewater, . . . . .	. . . . .	. . . . .	24 37
Carver, . . . . .	. . . . .	. . . . .	16 25
Duxbury, . . . . .	. . . . .	. . . . .	20 00
E. Bridgewater,	30 00	5 00	25 00
Halifax, . . . . .	. . . . .	. . . . .	10 62
Hanover,	26 25	5 25	21 00
Hanson,	30 00	14 00	16 00
Hingham, . . . . .	. . . . .	. . . . .	30 00
Hull, . . . . .	. . . . .	. . . . .	8 75
Kingston, . . . . .	. . . . .	. . . . .	10 00
Marshfield, . . . . .	. . . . .	. . . . .	27 50
Middleborough,	61 25	11 25	50 00
N. Bridgewater, . . . . .	. . . . .	. . . . .	25 00
Pembroke,	25 00	5 00	20 00
Plymouth, . . . . .	. . . . .	. . . . .	30 00
Plympton,	21 25	5 25	16 00
Rochester, . . . . .	. . . . .	. . . . .	35 00
Scituate, . . . . .	. . . . .	. . . . .	26 25
Wareham, . . . . .	. . . . .	. . . . .	25 00
W. Bridgewater, . . . . .	. . . . .	. . . . .	19 38
			484 87

TOWNS.	Whole am't charged.	Deduct over-charged.	Amount allowed.
BARNSTABLE COUNTY.			
Barnstable, . . . . .	. . . . .	. . . . .	\$33 75
Brewster, . . . . .	. . . . .	. . . . .	11 25
Chatham, . . . . .	. . . . .	. . . . .	2 50
Dennis, . . . . .	. . . . .	. . . . .	12 50
Eastham, . . . . .	. . . . .	. . . . .	11 00
Falmouth, . . . . .	. . . . .	. . . . .	12 50
Harwich, . . . . .	. . . . .	. . . . .	10 00
Orleans, . . . . .	. . . . .	. . . . .	18 75
Provincetown, . . . . .	. . . . .	. . . . .	5 00
Sandwich, . . . . .	. . . . .	. . . . .	17 50
Truro, . . . . .	. . . . .	. . . . .	8 75
Wellfleet, . . . . .	. . . . .	. . . . .	13 75
Yarmouth, . . . . .	. . . . .	. . . . .	16 25
			<hr/> 173 50
DUKES COUNTY.			
Chilmark,	\$21 25	\$6 25	\$15 00
Edgartown,	27 50	2 50	25 00
Tisbury,	30 00	7 00	23 00
			<hr/> 63 00
NANTUCKET COUNTY.			
Nantucket, . . . . .	. . . . .	. . . . .	\$22 50

RECAPITULATION.

Suffolk County,	\$150 00
Essex "	723 37
Middlesex "	848 24
Worcester "	1017 27
Hampshire "	344 58
Hampden "	393 12
Franklin "	372 24
Berkshire "	510 25
Norfolk "	542 13
Bristol "	589 24
Plymouth "	484 87
Barnstable "	173 50
Dukes "	63 00
Nantucket "	22 50
	<hr/> \$6234 31

STATE LUNATIC PAUPERS.

[SEE CHAP. 142, PAGE 250.]

County of Suffolk, for support of 95 State lunatic paupers,	\$10,170 52
County of Essex, for support of 37 State lunatic paupers,	3,512 91
County of Middlesex, for support of 25 State lunatic paupers,	2,023 78
County of Worcester, for support of 2 State lunatic paupers,	176 10
State Lunatic Hospital, for support of 98 State lunatic paupers,	7,954 43
County of Hampden, for support of 1 State lunatic pauper,	78 00
County of Norfolk, for support of 2 State lunatic paupers,	224 70
County of Bristol, for support of 3 State lunatic paupers,	131 27
County of Berkshire, for support of 2 State lunatic paupers,	224 70
City of Lowell, for support of 2 State lunatic paupers,	94 20
Town of Nantucket, for support of 1 State lunatic pauper,	73 05
Town of Cummington, for support of 1 State lunatic pauper,	132 68
Town of Northampton, for support of 1 State lunatic pauper,	61 15
Town of Lincoln, for support of 1 State lunatic pauper,	16 80
	<hr/>
	\$24,874 29
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INDIAN ACCOUNTS.

Nathaniel Hunt, guardian, for the support of the Dudley Indians, in the town of Webster, for the years 1844 and '45,	\$607 48
Holder Wadell, agent, for the support of the Wautuppa Indians, in the town of Fall River, for the year 1845,	175 83

Thomas French, guardian of Punkapoag tribe of Indians, for twenty years' service as guardian,	\$200 00
	<hr/>
	\$983 31
	<hr/>

SMALL POX PAUPERS.

Town of New Bedford, for the support of Edwin Pillsbury and Henry Evans,	\$119 50
Town of Stockbridge, for the support of George Clark,	114 92
Town of Springfield, for the support of Arunah Ab- bot and Edward Griffith,	246
Town of Roxbury, for the support of Edward Hall,	45 00
	<hr/>
	\$525 42
	<hr/>

CORONERS' ACCOUNTS.

Suffolk County—William Andrews, to Nov. 30, 1845,	\$87 74
William Andrews, to March 19, 1846,	17 04
Jabez Pratt, to Jan. 11, 1846,	147 76
Charles Smith, to Jan. 26, 1846,	334 80
Essex County—Theodore Andrews, to Dec. 6, 1845,	16 00
Plummer Chesley, to Feb. 13, 1846,	76 07
William Ferson, to July 10, 1845,	24 30
Middlesex County—Thomas Sumner, to April 3, 1846,	59 64
Nathaniel Watson, to June 15, 1845,	13 56
Worcester County.—Horace Newton, to Aug. 26, 1845,	13 50
Sullivan Thayer, to Aug. 26, 1845,	23 70
Norfolk County.—Martin Bates, to July 14, 1845,	17 54
Lewis Bass, to June 10, 1845,	50 30
Lewis Bass, to April 8, 1846,	16 54
Isaac H. Messerve, to June 11, 1845,	10 00
Bristol County.—David Silvester, to July 24, 1845,	14 03
Harvey Harnden, to July 5, 1845,	48 78
Plymouth.—David Peckham, to Sept. 19, 1845,	20 86
Nantucket.—E. M. Hinckley, to March 15, 1846,	36 00
	<hr/>
	\$1028 16
	<hr/>

SHERIFFS' ACCOUNTS.

Suffolk County.—	Joseph Eveleth, to Feb. 23, 1846,	\$5 75
Essex “	Joseph E. Sprague, to Feb. 16, 1846,	68 33
Middlesex “	Samuel Chandler, to Nov. 20, 1845,	84 98
Worcester “	John W. Lincoln, to Nov. 20, 1845,	96 61
Hampshire “	S. L. Hinckley, to Feb. 16, 1846,	77 59
Hampden “	C. Rice, to Dec. 12, 1845,	41 55
Franklin “	John Nevers, to Nov. 1845,	55 71
Berkshire “	E. F. Ensign, to Dec. 5, 1845,	92 46
Norfolk “	J. N. E. Mann, to Jan. 1, 1846,	44 35
Bristol “	H. L. Danforth, to Dec. 1845,	86 76
Barnstable “	Nathaniel Hinckley, to March 26, 1846,	32 46
Plymouth “	Branch Harlow, to Dec. 31, 1845,	102 59
Dukes “	Isaiah D. Pease, to Nov. 1845,	14 33
Nantucket “	E. Starbuck, to Nov. 1845,	19 40
		<hr/>
		\$822 87

MISCELLANEOUS ACCOUNTS.

J. H. Bufford & Co., for engraving,	\$8 50
C. Cleveland, for funeral of W. Cook,	6 25
Parker Fowle & Son, for carpets,	7 67
Kitteredge and Blake, for furniture,	66 87
Peter Low, for binding books,	242 05
Wm. Learned, for use of Old South Church,	40 00
James Loring, for registers,	16 20
Stephenson, Howard & Davis, for duplicate measures,	371 00
Eben. Shute, for constable service,	26 50
A. H. Whitney, for visiting charitable institutions,	11 00
J. S. Withington, for chorister at church,	22 00
G. B. Wheeler, for repairs, &c. at State House,	680 72
Charles Brooks, for hard ware,	53 94
Asa Swallow, for mason work,	45 29
C. W. Haven, for painting,	169 20
John G. Loring, for plumber's work, pumps, &c.,	61 46
Ives & Perry, for stoves, &c.,	63 25
Essex County, for the support of Mary Sigourney, in the House of Correction, to Sept. 4, 1845,	21 56
Joseph Stone, expenses in visiting charitable insti- tutions,	8 90
Benjamin Stevens, balance of his account,	46 21
“ “ to pay sundry bills,	798 94
Brown & Severance, for coach hire for Council and Visiting Committees,	82 33

John Coe, board, watching, medical attendance, &c., during the sickness of Walter Cook,	\$43 30
N. Bishop, attending funeral of " "	12 85
George Cook's expenses to Boston,	6 50
Rodney Gove's bill, funeral expenses W. Cook,	33 00
Oliver Felt, for visiting public Charitable Institu- tions,	9 39
Charles E. Cook, " " " "	9 40
Tim. Gridley, " " " "	8 95
A. Smith, " " " "	8 95
Little & Brown, for Metcalf's Reports, 12 vols.,	42 00
John T. Prince & Co., for stationery for Senate,	42 23
Eayres & Fairbanks, " "	20 83
Charles Stimpson, " "	151 36
Roberts & Thaxter, for binding books "	28 75
Charles Calhoun, for making 2d edition Rail-road map, as per Resolve of March 20, 1845, and completing the General Index of the journals of the Senate, per order of March 25, 1845, 176 days, at 4 dollars per diem,	704 00
Nathaniel Greene, for postage,	42 49
Joshua Whittemore, for labor performed at State House,	53 30
A. Smith and J. M. Earle, for expenses paid visiting the public Charitable Institutions,	2 80
N. H. Streeter, for coach to Charlestown, for Com- mittee on Prisons,	6 00
O. W. Allen, for stationery,	8 07
Maynard & Noyes, for ink, &c.,	4 25
Eayres & Fairbanks, for stationery for use of House of Representatives,	798 03
Treasurer's office,	31 52
Secretary's office and Council,	690 75
Adjutant General's office,	107 46
J. Milton Earle, for expenses paid visiting Hospi- tals, Asylums, &c.,	11 27
	<hr/>
	\$5,727 29
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ROLL OF NEWSPAPER ACCOUNTS, FOR THE YEAR 1846.

[SEE CHAP. 142, PAGE 250.]

Proprietor.	Paper.	Amount of Pa- pers.	Amount for Advertising.	Publishing Laws.		Total amount allowed.
				1844.	1845.	
E. Anthony, -	Taunton Democrat, -	\$2 50	\$2 00	-	-	\$4 50
P. Allen & Son, -	Pittsfield Sun, -	2 00	1 87	-	-	3 87
I. S. & C. Adams, -	Hampshire and Franklin Express, -	3 50	2 50	-	-	6 00
Almy & Milne, -	Fall River Weekly News, -	50	-	-	-	50
J. Breck & Co., -	New England Farmer, -	37 50	-	-	-	37 50
Bowker, Flanders & Co., -	Traveller, -	133 50	1 13	-	-	134 63
N. F. Bryant, -	Barre Patriot, -	4 19	-	-	-	4 19
W. A. Bryant, -	" Gazette, -	4 69	-	-	-	4 69
Samuel Bowles, -	Springfield Republican, -	10 25	2 00	-	-	12 25
T. W. Butterfield, -	National Regis, -	12 00	9 50	-	-	21 50
W. J. Buckminster, -	Massachusetts Ploughman, -	67 20	-	-	-	67 20
G. W. Bazin, -	Trumpet, -	16 10	-	-	-	16 10
Beals & Greene, -	Boston Post, -	420 48	3 87	-	-	424 35
O. Brewet, -	Cultivator, -	39 47	-	-	-	39 47
S. C. Baldwin, -	Plymouth Rock, -	3 68	-	-	-	3 68
E. W. Cobb, -	Nantucket Inquirer, -	2 75	-	-	-	2 75
H. Chickering, -	Weekly Transcript, -	-	2 00	-	-	2 00
G. R. Carleton, -	Danvers Courier, -	-	2 25	-	-	2 25
Hiram Cummings, -	Emancipator, -	16 83	-	-	-	16 83
W. W. Clapp & Son, -	Evening Gazette, -	157 20	-	-	-	157 20
G. G. Channing, -	Christian World, -	16 50	2 50	-	-	16 50
S. Cobb, -	" Freeman, -	3 84	-	-	-	3 84
Chapman & Palfray, -	Salem Register, -	15 00	3 00	-	-	18 00

David Clapp, Jr.,	-	-	-	\$35 98	-	-	\$35 98
P. Donahoe,	-	-	-	6 75	-	-	6 75
Dutton & Wentworth,	-	-	-	7 53	-	-	9 78
J. B. Dow,	-	-	-	12 00	-	-	12 00
Damrell, Graves & Upham,	-	-	-	7 00	-	-	7 00
J. M. Earle,	-	-	-	11 25	-	-	14 25
D. H. Ela,	-	-	-	21 00	-	-	21 00
S. S. Eastman,	-	-	-	3 50	-	-	6 00
Estey & Evans,	-	-	-	7 50	-	-	7 50
W. S. Fisher,	-	-	-	6 00	-	-	6 00
E. G. Frothingham,	-	-	-	270 03	-	-	271 16
E. B. Foster & Co.,	-	-	-	2 00	-	-	2 00
I. W. Goodrich,	-	-	-	50	-	-	50
J. W. D. Hall,	-	-	-	2 16	-	-	4 16
C. C. Hazewell,	-	-	-	2 88	-	-	2 88
D. S. Hubbard,	-	-	-	7 00	-	-	9 00
W. A. Hawley,	-	-	-	14 00	-	-	14 00
J. B. Hall,	-	-	-	6 10	-	-	6 10
Howland, Bradbury & Co.,	-	-	-	429 81	-	-	475 15
Hayden & Brewer,	-	-	-	4 00	-	-	7 00
W. Ives & Co.,	-	-	-	9 00	-	-	11 50
E. L. Keyes,	-	-	-	3 50	-	-	6 50
J. S. C. Knowlton,	-	-	-	6 91	-	-	14 91
B. Lindsey,	-	-	-	5 00	-	-	1 50
C. Montague,	-	-	-	3 50	-	-	15 00
Mors & Brewster,	-	-	-	29 20	-	-	30 32
A. Munn,	-	-	-	98 25	-	-	98 25
Merrill, Cobb & Co.,	-	-	-	1 12	-	-	2 50
T. F. Norris,	-	-	-	2 16	-	-	4 41
Publishers of the	-	-	-	6 00	-	-	9 00
Proprietors of " "	-	-	-	7 00	-	-	7 00
" " "	-	-	-	-	-	-	-
Nantucket Warter,	-	-	-	-	-	-	-
Essex County Mercury,	-	-	-	-	-	-	-
New Bedford Daily Bulletin,	-	-	-	-	-	-	-
Dial,	-	-	-	-	-	-	-
Olive Branch,	-	-	-	-	-	-	-
Daily Whig,	-	-	-	-	-	-	-
Hampden Statesman,	-	-	-	-	-	-	-
Newburyport Herald,	-	-	-	-	-	-	-
Massachusetts Eagle,	-	-	-	-	-	-	-
New Bedford Mercury,	-	-	-	-	-	-	-
Worcester Palladium,	-	-	-	-	-	-	-
Norfolk County American,	-	-	-	-	-	-	-
Salem Observer,	-	-	-	-	-	-	-
Boston Atlas,	-	-	-	-	-	-	-
Daily Bee,	-	-	-	-	-	-	-
Literary Museum,	-	-	-	-	-	-	-
Catact,	-	-	-	-	-	-	-
American Whig,	-	-	-	-	-	-	-
Concord Freeman,	-	-	-	-	-	-	-
Berkshire County Whig,	-	-	-	-	-	-	-
Hampshire Gazette,	-	-	-	-	-	-	-
Boston Courier,	-	-	-	-	-	-	-
Haverhill Gazette,	-	-	-	-	-	-	-
Yarmouth Register,	-	-	-	-	-	-	-
Worcester County Gazette,	-	-	-	-	-	-	-
Greenfield Gazette and Courier,	-	-	-	-	-	-	-
Zion's Herald,	-	-	-	-	-	-	-
Massachusetts Spy,	-	-	-	-	-	-	-
Reflector,	-	-	-	-	-	-	-
Christian Witness,	-	-	-	-	-	-	-
Evening Transcript,	-	-	-	-	-	-	-
Boston Pilot,	-	-	-	-	-	-	-
Medical and Surgical Journal,	-	-	-	-	-	-	-

\$33 34

NEWSPAPER ACCOUNTS—Continued.

Proprietor.	Paper.	Amount of Pa- pers.	Amount for Advertising.	Publishing Laws.		Total amount allowed.
				1844.	1845.	
Proprietors of the	Salem Gazette,	\$19 12	\$2 25	-	-	\$21 37
" "	Daily Advertiser,	212 93	1 88	-	-	214 81
" "	" American Eagle,	4 98	-	-	-	4 98
" "	Christian Watchman,	17 05	-	-	-	17 05
" "	Sandwich Observer,	50	-	-	-	50
" "	New England Washingtonian,	9 00	-	-	-	9 00
H. Pratt,	Fall River Monitor,	-	2 50	-	-	2 50
Purdy & Bradley,	Mail and Notion,	3 83	18 00	-	-	21 83
E. Porter,	Westfield News Letter,	1 92	2 00	-	-	3 90
C. Robinson,	Lynn Pioneer,	-	5 00	-	-	5 00
E. G. Robinson,	Norfolk Democrat,	3 24	2 50	-	-	5 74
David Reed,	Christian Register,	16 94	-	-	-	16 94
John S. E. Rogers,	Gloucester Telegraph,	1 00	-	-	-	1 00
W. Schouler,	Journal and Courier,	22 75	-	-	-	22 75
W. Stow,	Springfield Gazette,	5 25	2 00	-	-	7 25
Streeter & Corliss,	Daily and Weekly Star,	12 00	-	-	-	12 00
Smith, Byram & Co.,	" " Sun,	-	8 00	-	-	8 00
J. W. Smith,	Northampton Courier,	8 00	-	-	-	8 00
C. H. & W. Simonds,	Alliance and Visitor,	8 25	-	-	-	8 25
C. & J. M. Spear,	Prisoner's Friend,	4 20	-	-	-	4 20
Sleeper & Rogers,	Mercantile Journal,	179 30	7 00	-	-	186 30
R. R. Taylor,	Franklin Democrat,	7 75	3 00	-	-	10 75
A. W. Thayer,	Hampshire Herald,	-	2 00	-	-	2 00
James Thurber,	Old Colony Memorial,	3 00	-	-	-	3 00
S. J. W. Taber,	Northampton Democrat,	1 00	-	-	-	1 00

J. P. Wheeler,	-	-	-	-	-	\$0 85	-	-	-	-	-	\$0 85
J. E. Woodbridge & Co.,	-	-	-	-	-	34 32	-	-	-	-	-	34 32
G. H. Williams,	-	-	-	-	-	11 31	-	-	-	-	-	11 31
Nathl Willis,	-	-	-	-	-	7 00	-	-	-	-	-	7 00
Martin Moore,	-	-	-	-	-	35 00	-	-	-	-	-	35 00
Abel Whitton,	-	-	-	-	-	8 00	-	-	-	-	-	8 00
R. F. Wollcutt,	-	-	-	-	-	12 75	-	-	-	-	-	12 75
William Young,	-	-	-	-	-	-	-	-	-	-	-	5 00
Varney, Parsons & Co.,	-	-	-	-	-	1 00	-	-	-	-	-	6 00
J. M. Pettengill,	-	-	-	-	-	-	-	-	-	-	-	2 00
Roberts & Beach,	-	-	-	-	-	15 00	-	-	-	-	-	15 00
						\$2665 01	\$162 50	\$33 34	\$2860 85			



RECAPITULATION.

State Lunatic Paupers,	\$24,874 29
Indian Accounts,	983 31
Small Pox Patients,	525 42
Coroners' Accounts,	1,028 16
Sheriffs' Accounts,	822 87
Miscellaneous Accounts,	5,727 29
Publishing Laws, Printing and Papers,	2,860 85
	<hr/>
	\$36,822 19

ROLL OF PAUPER ACCOUNTS.

[SEE CHAP. 146, PAGE 252.]

COUNTY OF SUFFOLK.

Boston,	for the support of State Paupers in the House of Industry and Reform- ation, (the burial of paupers and small pox patients included,) \$10,453 05
Chelsea,	for the support, &c., of State Paupers, 114 93
<hr/>	
\$10,567 98	

COUNTY OF ESSEX.

Amesbury,	for the support, &c., of State Paupers,	\$2 40
Andover,	same,	152 40
Beverly,	same,	2 94
Danvers,	same,	308 44
Essex,	same,	51 10
Georgetown,	same,	142 04
Gloucester,	same,	82 92
Haverhill,	same,	33 95
Lynn,	same,	167 51
Manchester,	same,	80 64
Methuen,	same,	48 58
Newbury,	same,	165 91
Newburyport,	same,	264 34
Rockport,	same,	250 60
Rowley,	same,	6 40
Salem,	same,	1033 44
Salisbury,	same,	40 05
Saugus,	same,	51 10
Topsfield,	same,	36 89
W. Newbury,	same,	25 97
<hr/>		\$2947 62

COUNTY OF MIDDLESEX.

Acton,	for the support, &c., of State Paupers,	\$13 72
Ashby,	same,	25 55
Billerica,	same,	25 06
Brighton,	same,	34 22

Cambridge,	for the support, &c., of State Paupers,	\$1187 05
Charlestown,	same,	2916 55
Chelmsford,	same,	8 68
Concord,	same,	56 38
Dracut,	same,	22 44
Groton,	same,	17 50
Holliston,	same,	25 97
Hopkinton,	same,	16 04
Littleton,	same,	130 19
Lowell,	same,	1474 06
Malden,	same,	75 51
Marlborough,	same,	7 21
Medford,	same,	10 57
Natick,	same,	1 05
Newton,	same,	67 78
Somerville,	same,	53 48
South Reading,	same,	10 29
Stoneham,	same,	26 39
Townsend,	same,	2 10
Tyngsborough,	same,	18 41
Waltham,	same,	68 81
Watertown,	same,	165 84
Wayland,	same,	6 51
Westford,	same,	8 12
Wilmington,	same,	37 25
		<hr/>
		\$6412 73

COUNTY OF WORCESTER.

Ashburnham,	for the support, &c., of State Paupers,	\$7 00
Athol,	same,	2 45
Blackstone,	same,	11 76
Charlton,	same,	6 61
Dana,	same,	43 68
Grafton,	same,	2 24
Hardwick,	same,	20 37
Holden,	same,	31 34
Hubbardston,	same,	12 00
Leicester,	same,	67 17
Leominster,	same,	24 82
Lunenburg,	same,	2 45
Mendon,	same,	13 23
Milford,	same,	25 55
Northborough,	same,	25 55
N. Brookfield,	same,	17 15
Oxford,	same,	76 65
Paxton,	same,	69 35
Princeton,	same,	3 43

PAUPER ACCOUNTS.

275

Shrewsbury,	for the support, &c., of State Paupers,	\$19 53
Spencer,	same,	61 52
Sturbridge,	same,	28 11
Upton,	same,	25 55
Uxbridge,	same,	82 35
Winchendon,	same,	14 70
Worcester,	same,	273 91
		<hr/>
		\$968 47

COUNTY OF HAMPSHIRE.

Amherst,	for the support, &c., of State Paupers,	\$106 75
Belchertown,	same,	30 94
Cummington,	same,	27 72
Easthampton,	same,	110 31
Granby,	same,	25 55
Hatfield,	same,	23 45
Middlefield,	same,	51 80
Northampton,	same,	314 34
Plainfield,	same,	12 00
Ware,	same,	14 26
Westhampton,	same,	68 88
Worthington,	same,	42 70
		<hr/>
		\$828 70

COUNTY OF HAMPDEN.

Blandford,	for the support, &c., of State Paupers,	\$91 52
Brimfield,	same,	143 34
Chester,	same,	18 48
Granville,	same,	25 55
Ludlow,	same,	156 45
Monson,	same,	150 19
Palmer,	same,	129 22
Russell,	same,	89 52
Southwick,	same,	2 50
Westfield,	same,	146 24
W. Springfield,	same,	49 58
		<hr/>
		\$1002 59

COUNTY OF FRANKLIN.

Bernardston,	for the support, &c., of State Paupers,	\$20 23
Charlemont,	same,	135 05
Coleraine,	same,	114 36

PAUPER ACCOUNTS.

Conway,	for the support, &c., of State Paupers,	\$63 67
Deerfield,	same,	25 55
Gill,	same,	25 55
Greenfield,	same,	51 10
Leyden,	same,	76 65
Shelburne,	same,	25 55
Shutesbury,	same,	161 65
Whately,	same,	25 55
		<hr/>
		\$724 91

COUNTY OF BERKSHIRE.

Adams,	for the support, &c., of State Paupers,	\$326 05
Becket,	same,	74 48
Cheshire,	same,	90 61
Dalton,	same,	39 12
Egremont,	same,	79 00
Gt. Barrington,	same,	84 83
Hancock,	same,	65 70
Hinsdale,	same,	25 55
Lee,	same,	135 22
Lenox,	same,	154 43
Peru,	same,	74 15
Pittsfield,	same,	274 17
Richmond,	same,	51 10
Sheffield,	same,	25 55
Stockbridge,	same,	198 82
Tyringham,	same,	59 04
Washington,	same,	140 94
Williamstown,	same,	96 03
Windsor,	same,	21 14
		<hr/>
		\$2015 93

COUNTY OF NORFOLK.

Braintree,	for the support, &c., of State Paupers,	\$90 77
Brookline,	same,	25 55
Canton,	same,	59 82
Dedham,	same,	19 26
Dorchester,	same,	37 69
Foxborough,	same,	7 56
Franklin,	same,	20 04
Medfield,	same,	3 95
Medway,	same,	5 53
Milton,	same,	105 85
Needham,	same,	39 97
Quincy,	same,	131 03

PAUPER ACCOUNTS.

277

Randolph,	for the support, &c., of State Paupers,	\$276 56
Roxbury,	same,	1114 78
Sharon,	same,	25 55
Stoughton,	same,	67 46
Walpole,	same,	4 80
Weymouth,	same,	73 60
Wrentham,	same,	32 98
		<hr/>
		\$2142 75

COUNTY OF BRISTOL.

Dartmouth,	for the support, &c., of State Paupers,	\$118 20
Easton,	same,	22 79
Fairhaven,	same,	138 48
Fall River,	same,	567 34
New Bedford,	same,	908 66
Rehoboth,	same,	167 45
Seekonk,	same,	4 62
Somerset,	same,	25 55
Taunton,	same,	117 95
Westport,	same,	51 10
		<hr/>
		\$2122 14

COUNTY OF PLYMOUTH.

Abington,	for the support, &c., of State Paupers,	\$25 55
Bridgewater,	same,	7 36
Duxbury,	same,	54 49
E. Bridgewater,	same,	106 60
Halifax,	same,	287 00
Hanover,	same,	14 60
Hingham,	same,	31 57
Marshfield,	same,	4 06
Middleborough,	same,	76 94
N. Bridgewater,	same,	88 95
Pembroke,	same,	89 27
Rochester,	same,	54 75
Scituate,	same,	76 73
Wareham,	same,	76 08
W. Bridgewater,	same,	3 71
		<hr/>
		\$997 66

COUNTY OF BARNSTABLE.

Brewster,	for the support, &c., of State Paupers,	\$51 10
Chatham,	same,	25 55

PAUPER ACCOUNTS.

Dennis,	for the support, &c., of State Paupers,	\$22 40
Harwich,	same,	56 13
Orleans,	same,	25 55
Sandwich,	same,	25 55
Yarmouth,	same,	28 00
		<hr/>
		\$234 28

COUNTY OF NANTUCKET.

Nantucket,	for the support, &c., of State Paupers,	\$399 93
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DUKE'S COUNTY.

Chilmark,	for the support, &c., of State Paupers,	\$25 55
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INDIAN RETURNS.

Marshpee,	for the support of State Paupers, .	\$346 15
Herring Pond Plantation,	same,	38 01
		<hr/>
		\$384 16

AMENDMENT.

Lanesborough,	for the support, &c., of State Paupers,	\$197 05
W. Stockbridge,	same,	79 59
Lincoln,	same,	8 75
Sandisfield,	same,	40 15
Egremont,	same,	121 77
Webster,	same,	182 15
Otis,	same,	43 75
Truro,	same,	25 55
Carlisle,	same,	25 55
Plymouth,	same,	88 70
New Braintree,	same,	16 58
Goshen,	same,	15 96
Hanson,	same,	2 17
Swanzy,	same,	118 59
W. Cambridge,	same,	2 38
Springfield,	same,	486 23
Petersham,	same,	36 20
Lexington,	same,	50 43
Pawtucket,	same,	163 97
Framingham,	same,	60 15
Woburn,	same,	12 45
Lancaster,	same,	30 24
Westborough,	same,	58 45
		<hr/>
		\$1866 81

RECAPITULATION.

Suffolk	County,	.	.	.	.	\$10,567 98
Essex	"	.	.	.	.	2,947 62
Middlesex	"	.	.	.	.	6,412 73
Worcester	"	.	.	.	.	968 47
Hampshire,	"	.	.	.	.	828 70
Hampden	"	.	.	.	.	1,002 59
Franklin,	"	.	.	.	.	724 91
Berkshire	"	.	.	.	.	2,015 93
Norfolk	"	.	.	.	.	2,142 75
Bristol	"	.	.	.	.	2,122 14
Plymouth,	"	.	.	.	.	997 66
Barnstable	"	.	.	.	.	234 28
Dukes,	"	.	.	.	.	25 55
Nantucket,	"	.	.	.	.	399 93
Indian Returns,	.	.	.	.	.	384 16
Amendment,	.	.	.	.	.	1,866 81
						<hr/>
						*\$33,642 21

* The Resolve authorizes the sum of \$33,642 21 to be paid as the amount of the Roll; but it appears, by adding the details of the County of Middlesex together, that the Resolve should have been for \$100 more.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 13th, 1846.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, and the Secretary, Treasurer, and Adjutant General of the Commonwealth, and attended by a joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

ADDRESS:

*Gentlemen of the Senate and of the
House of Representatives:*

THE past year has been one of general prosperity and health to the people of this Commonwealth.

Labor and capital have been actively employed, and have reciprocally contributed to each other's success. Labor and capital ought to be so employed. And while each is willing to make a fair division of their joint earnings, they are, and must be, friends.

Not only has an unusual degree of industry and enterprise animated our business community, but a spirit of kindness and good feeling has displayed itself among all classes of our citizens, in their intercourse with each other.

Those "principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections and generous sentiments among the people," specially enjoined by the Constitution of the State, to be promoted by the Legislature, have manifested themselves throughout the Commonwealth. They are worthy of the attention of

men associated together for a common benefit, and the extent of their prevalence indicates the degree of civilization and Christianity in every community.

These tokens of good, which, under the Divine favor, flow out from our free and liberal institutions, call for our grateful acknowledgments to that great and good Being, whose mercies to us as a people, have been so distinguished.

The state of our finances for the past year, as I learn from the Treasurer of the Commonwealth, is as follows :

The receipts amounted to	\$519,358 32
The expenditures to	550,191 59
Excess of payments over receipts,	30,833 27

The above amount of receipts includes

Cash on hand January 1, 1845,	\$10,677 59
Balance of State Tax of 1844,	62,325 50

This sum,	73,002 09
deducted from the whole receipts,	519,358 35

Leaves	\$446,356 26
as the ordinary receipts for the year.	

The amount of expenditures includes

Temporary loan for 1844,	\$85,000 00
And the 5 per cent. stock of 1842, paid in 1845,	46,550 00

This sum,	\$131,550 00
deducted from the whole expenditures,	550,191 59

Leaves as the ordinary expenditures of the year,	\$418,641 59
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To meet the excess of payments of \$30,833 27, the Treasurer will have the balance of the State Tax of 1845, amounting to \$65,000, and though not payable till February, 1846, was designed for the service of 1845.

That sum will not only pay the above named balance, but will be nearly sufficient to pay the \$37,140 of the 5 per cent. stock of 1842, which falls due in 1846.

It is confidently believed that no State Tax will be necessary to enable the treasury to meet the demands upon it for the coming year.

To this end, I recommend a most rigid scrutiny into every branch of expenditures, and if any item is found not called for by the public interest, that it be curtailed.

Liberal appropriations of money for meritorious objects, within the appropriate sphere of legislative provisions, and not a dollar for a useless office, or an unnecessary purpose, is true economy.

When the remaining \$37,140 of the debt of 1842 shall have been paid, no other debt against the State will fall due before

1857. At that time, the scrip for \$995,000 issued by the State in payment of its stock in the Western Rail-road Corporation, will be payable.

The sinking fund set apart to meet that debt, now amounts to \$359,141 25. This sum, with the accruing annual interest, together with the yearly amount from the sales of the public lands, in the State of Maine, which is appropriated by law for the same purpose, with the annual interest thereon, will amount, in 1857, with the present rate of the receipts from the public lands, to a million dollars.

The amount, whatever it may be, with the stock itself, will constitute the assets of the State, at that time, to meet its scrip for \$995,000.

The State has lent its credit to various rail-road companies, to the amount of \$5,049,555 56.

One million and fifty thousand dollars of this amount for scrip loaned to the Eastern Rail-road, the Norwich and Worcester Rail-road, the Andover and Haverhill Rail-road, and the Boston and Portland Rail-road Corporations, will be due in 1857-9. None of the residue falls due before 1868. These roads are all in successful operation, and the companies pay the interest on their several debts, as they fall due.

The payment and fulfilment of the obligations of the bonds, which the State holds against these several companies, are secured by mortgages on the indebted roads. In addition to the mortgage on the Western Rail-road, the State holds, in trust, a fund, now amounting to \$290,610 61, and which is yearly increasing, by accumulating interest and additions to the principal, for the same purpose. Without some unexpected contingency, which no sagacity can foresee, there is no probability the State will ever be called upon to pay one dollar of these liabilities.

With a character for punctuality unsullied by a failure to meet any one of her pecuniary engagements, and with a credit equal to bullion, for any purpose that she may choose to use it, there is nothing in her indebtedness or liabilities, either on her own account, or to aid others in carrying on those great works of internal improvement, by which her mountains are pierced and her valleys striped with rail-road iron, that need alarm the most timid financier, or give a moment's uneasiness to the most cautious of her citizens.

Having the largest representative body, in proportion to the number of their constituents, of any government in the world, at once their pride and their security, the prudent, industrious, enterprising people of this Commonwealth, must essentially change their character and principles, as old now as their political existence, before a Legislature can be assembled in this place, that would involve the State in any wild and unauthorized projects, or do any thing to tarnish her good name for honesty and punctuality. May the time never come when

every citizen of Massachusetts would not feel the slightest just reproach upon the integrity of the Commonwealth, to be a stain upon his own private character! Mutation belongs to political as well as to all other human institutions, but I am sure that no political vicissitude can ever spread over our venerated Commonwealth, the gloom of such a day.

There is now in successful operation within the limits of Massachusetts, seven hundred miles of rail-road. These roads cost about \$28,000,000. The average value of this stock is above par, and their average dividends exceed six per cent. The amount of their dividends shows the wisdom of the investment of the capital which built them, the amount of business done upon them, and their great public utility. The rail-road from this city to Albany, across the Green Mountains, is one of the great achievements of the age. Altogether, they furnish evidence of the resources, the enterprise, the perseverance and the prosperity of our people.

Among other important topics introduced into the late communication of the President of the United States, to both Houses of Congress, that of the tariff occupied an important place.

The people of Massachusetts are deeply interested in the protective policy. In it, their labor, their capital, and their prosperity are essentially involved.

For more than a quarter of a century after the adoption of the Constitution, their capital was mostly engaged in commerce. But the course of National legislation has induced them to withdraw a large portion of that capital from commerce, and invest it in manufacturing establishments. Massachusetts has at this time \$60,000,000 invested in manufactures.

The constitutionality of the protective principle, except as an incident to revenue, is clearly denied by the President in his message, and by the Secretary of the Treasury, in his annual report. I am not aware that such a denial has ever before, since the adoption of the federal Constitution, been promulgated from those high places. Perhaps, in justice to those functionaries, it should be said, that the opinions now avowed by them, on this subject, are the same which they were known to entertain before their elevation to the posts which they now occupy.

There is, however, a remarkable difference between the doctrines and arguments of the President's message, and the doctrines and arguments of his predecessors on the same subject. Every one of those illustrious men, from General Washington to General Jackson, all of whom belonged to the age of the Constitution and of the Revolution, in their official communications, in the plainest and most explicit manner assert the constitutionality of a protective tariff, and recommend Congress to foster and protect the manufactures of the country by their legislation. The preamble to the second act passed by the first Congress which assembled under the Constitution of the United

States, declared the object of the act to be the encouragement of manufactures and the raising of revenue.

Many of the framers of the Constitution sat in that Congress. Washington, the President of the Convention which made the Constitution, signed that bill. During the discussion of the measure in Congress, no one objected for the want of constitutional power. On the contrary, it was declared that one leading object of the adoption of the Constitution by the people of the States, was to confer upon Congress the power to protect the labor and industry of the country, and that they expected that power to be exercised. Petitions for that purpose were presented to that Congress from the people of South Carolina, Maryland, New York and Massachusetts. Against a principle reaching back to the origin, and flowing out from the very fountain of our government, the Secretary of the Treasury in his official report, and the President in his message, wage a war of extermination. The Secretary ascribes to it, the instability of all former revenue bills, and avows the purpose of driving it from the Statute-books of the Union.

Before the adoption of the Constitution of the United States, each State possessed the power to lay duties and imposts, and to regulate trade with other States and nations. It is a power incident to the sovereignty of every independent State. And it may be exerted by every such State for the protection and encouragement of its manufactures, or any other interest within its limits. By the express language of the federal Constitution, this important power is surrendered by the States to the General Government. Is the power thus given up by the States, lost or annihilated by that surrender?

The absurdity of such a proposition is its refutation. This essential attribute of a sovereign State was transferred to the general government, not that it should lie dormant or be extinguished, but that it might be put into action with more efficiency for the common benefit. So the authors of the Constitution, and the members of the first Congress understood it. There is but one restriction upon its exercise, and that is the prohibition of a tax upon exports from any of the States.

Mr. Madison argues the existence of the right in Congress to protect the home industry of the country, upon the ground which I have stated, with unanswerable ability. He says, "if Congress have not the power, it is annihilated for the nation; a policy without example in any other nation, and not within the reason of the solitary one in our own."

In his message to Congress in 1796, General Washington says: "Congress *have repeatedly*, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence, not to insure a continuance of their efforts, in every way which shall appear eligible."

Mr. Jefferson, in his message of November, 1808, says, "The situation into which we have been thus forced, has impelled us

to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains, that the establishments formed and forming, will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of *protecting duties and prohibitions*, become permanent." In 1816, Mr. Jefferson addressed a letter to Benjamin Austin, of Massachusetts, in which he reëffirms in the fullest manner, his opinion in favor of the policy of protecting American manufactures, or of what he calls the "American System." In that letter, he says the "federal merchants of Massachusetts" are opposed to this system.

Mr. Madison said, in his message of February, 1815: "There is no subject which can enter with greater force into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence and attained an unparalleled maturity throughout the United States, during the period of the European wars. This source of national independence and wealth, I anxiously recommend, therefore, to the prompt and constant guardianship of Congress." In his inaugural message in March, 1817, President Munroe said: "Our manufactures will likewise require the systematic and fostering care of the government."

In 1824, General Jackson, in a letter addressed to Dr. Coleman, of North Carolina, on the subject of the tariff, says: "I will ask what is the real situation of our agriculturalists? Where has the American farmer a market for his surplus product? Except for cotton, he has neither a foreign or a home market. Does not this clearly prove, where there is no market either at home or abroad, that there is too much labor employed in agriculture, and that the channels for labor should be multiplied? Common sense points out at once the remedy. Draw from agriculture this superabundant labor, employ it in mechanism and manufactures, thereby creating a home market for your bread stuffs, and distributing labor to the most profitable account, and benefits to the country will result. Take from agriculture in the United States, six hundred thousand men, women and children, and you will at once give a home market for more bread stuffs than all Europe now furnishes us. *In short, sir, we have been too long subject to the British merchants.* It is time that we should become a little more Americanized; and, instead of feeding the paupers of England, feed our own; or else in a short time, by continuing our present policy, we shall all be rendered paupers ourselves." In February, 1828, the same eminent individual sent to the Governor of the State of Indiana, in answer to certain resolutions of the Legislature of that State, on the subject of the tariff and internal improvements, a copy of the letter from which the foregoing extracts are made, and remarks: "I will further observe to your Excellency, that my views of constitutional power and American

policy, were imbibed, in no small degree, in the times and from the sages of the Revolution, and that my experience has not disposed me to forget their lessons." What General Jackson said would be the effect of encouraging manufactures, in creating a home market for agricultural productions, has become history. That portion of our population now engaged in mechanical trades and manufactures, furnish a "market for more bread stuffs than all Europe now furnishes us." The productive industry of Massachusetts for the year ending April first, 1845, as shown by the statistics collected under the direction of the last Legislature, amounts to \$123,000,000.

With her population of 800,000 she receives annually the products of sister States to the amount of forty millions of dollars. Deducting the amount of domestic manufactures exported, and this sum equals one half of the exports of all the States of the Union, to the whole world. Can pursuits which produce such results, and which furnish them with such a home market, be injurious to the other States ?

The extracts which I have read present the expanded views and statesman-like sentiments of their patriotic and illustrious authors, upon a subject which they considered very intimately connected with the permanent prosperity of their country.

How striking the contrast with the arguments and views of the present Chief Magistrate, by which he repudiates the policy of the fathers of the Republic, and proposes to measure and gauge every duty to be imposed hereafter, by what he denominates a revenue standard !

That class of politicians who deny both the expediency and constitutionality of giving legislative protection to the manufacturing and industrial interests of the country, have themselves ventured upon the boldest exercise of federal authority ever attempted since the origin of the Government. Passing by the treaty-making power, which, by the terms of the Constitution, is to hold intercourse with foreign governments, by the simple process of resolution, the lowest form of legislative action, they have brought a foreign nation into this confederacy of States. This extraordinary measure, carried, (as it is believed by those who are opposed to it,) against the wishes of a majority of the people of the States, has been consummated for the avowed purpose of "giving security and permanency to the institutions of the South."—In other words, for protecting the capital of the slave States of this Union, which is invested in slaves. By the existing laws of the United States, it is made piracy and punishable with death, through the instrumentality of the foreign slave trade, to bring a foreign slave into any of these States. Yet, by this summary process of resolution, thirty thousand foreign slaves are at once brought into and under the jurisdiction of the laws of this republic.

Shall the powers of our National Legislature be exerted to protect the capital of one portion of the Union, consisting of

property in human beings, whilst that protection shall be withheld from the property and the labor performed by the muscles of freemen in all the rest of the Union? These are questions which recent events bring home to the mind of every freeman in this great country with earnestness and solemnity. They are put, not for the purpose of arousing sectional prejudices, or exasperating party feelings; but for the purpose of calling your attention, and the attention of the people of the Commonwealth, to what is passing before us. By the annexation of a foreign State, and its admission into the Union, the preponderance is given, in one branch of the National Legislature, to the slaveholding States. It is very clear that no such event was contemplated at the time of the adoption of the Constitution. So far from looking to the ascendancy of the slave States in either branch of the Legislature, the Constitution itself recognizes and ratifies the ordinance of 1787 for the government of the North West Territory, by the provisions of which three new States were to be admitted into the Union in which slavery was never to exist. Whilst this measure for the protection of the slave capital of the South is in progress, the Executive Chief Magistrate proposes to change the policy and utterly abandon a system which has been cherished by a majority of the people and their representatives from the beginning of the Government. Is this great change to take place? Is a system begun by the fathers of the Constitution, and which has been more than fifty years in maturing, which has filled the National Treasury with revenue, and covered the whole country with the evidences of prosperity, to be struck down at a blow?

Standing by the pillars of the Constitution, and ready to defend and uphold every part of it, I trust the Legislature of Massachusetts will insist that all the rights secured to the citizens of the Commonwealth, shall be acknowledged and respected.

The reports of the officers in the State Prison present a satisfactory state of affairs in that institution. A personal examination of the Prison by the Governor and Council, confirms those reports. About six thousand dollars have been expended in repairs and buildings within the walls during the year. The expenditures seem to have been judiciously made, and the improvements are important and useful. A remarkable degree of health has prevailed among the prisoners. But one death has occurred among nearly three hundred persons in twelve months.

The fruits of a mild and humane treatment manifest themselves much to the credit of the officers, and going strongly to confirm the correctness of such a system. Generally, those who leave the prison, leave it with a respect for the laws whose penalties they have been made to feel, and with kind feelings towards the officers. They go again into the world many of them with the purpose and the hope, by a correct course of conduct, of restoring themselves to their friends, instead of

breathing out threatenings and vengeance against their fellow men.

This state of moral feeling on the part of prisoners, is an important point gained in the administration of penal law. There is a small library in the institution, which is much used by the prisoners during the hours that they are in their cells. The Inspectors and Warden concur in the opinion that an addition of suitable books is desirable. I think one or two hundred dollars, for that purpose, from the prison funds, would tend to improve the moral condition of its unfortunate inmates.

In connection with this subject, I deem it proper to call your attention to another important branch of the criminal law of the Commonwealth. By existing statutes, there are four crimes punishable with death:—Treason, Murder, Rape, and burning a dwelling-house in the night-time.

If the penalty attached to the violation of a law is, in the public opinion, too severe, two consequences will manifest themselves in its administration:—first, a difficulty in procuring convictions; and secondly, if convictions take place, the pardoning power will be strongly urged to interpose and mitigate the punishment. Wise and judicious legislators should endeavor to avoid both of these consequences. They are grave and serious evils. For a jury to hesitate to find a fact, because, by such finding, too heavy a blow in their opinion will fall upon the head of a fellow being, against whom it should be found, would tend to weaken the public confidence in that important and sacred tribunal. Those who are acquainted with the history of judicial proceedings, must be aware that such cases do sometimes occur. As a general rule, it would be a dangerous and unauthorized exercise of the pardoning power, for an executive magistrate to interpose and arrest the execution of a law, because in his opinion, its penalty was too severe. But in a case where the expression of a strong public sentiment should speak out, in accordance with his own views as to the rigor of the punishment, there is danger that the pressure might be too powerful for a kind-hearted, though upright magistrate to resist. It is quite obvious, that at this day the inclination of the public mind is in favor of the diminution of the severity of punishment.

So far as legislation can prevent it, the commission of a greater offence should never be presented to the mind of a criminal as a means of avoiding detection in the commission of a lesser one. In reducing the penalty for robbery of the person, and for breaking and entering a dwelling-house in the night-time, (the burglar being armed,) from death to confinement in the State Prison, I apprehend our own Legislature were influenced, at least to some extent, by this principle. I am persuaded they acted wisely in so doing.

In a sister State, where such a change has taken place in the law applicable to robbery, it is said, that while the number

of murders has diminished, the number of robberies has not increased. In one of the counties of our own Commonwealth, within the last year, a person has been executed, who had committed, under the most aggravated circumstances, the double crime of rape and murder.

In another of our counties, a man was hung several years ago, for the murder of a female whom he had first violated. In the confession of his crime, I am informed he declared that the thought of committing murder did not enter his mind until after the perpetration of the first offence, when the poor victim told him he would have to be hung for what he had done. He said it then instantly occurred to him that the only hope of escaping detection and death, was to put the witness of his guilt out of the way. With the desperate hope of saving his own life, he seized a club, followed and killed the wronged and flying female. How many such cases there may have been, Omniscience alone can tell. If a single one has been known to exist, does not that one furnish a sufficient reason for removing the temptation for its repetition? I recommend to your calm consideration the propriety of reducing the number of capital offences now existing in this Commonwealth. In the case of murder, much reflection has convinced me of the propriety of making degrees of guilt in that crime. Whilst the penalty of death shall remain against the wilful and deliberate murderer in the first degree; murder in the second degree, committed under circumstances of mitigation, should be punished by confinement in the State Prison during life.

The Annual Report of the Trustees of the State Lunatic Hospital, at Worcester, will be laid before you, giving "a statement of the condition of the Hospital, and all its concerns," in compliance with the law creating that noble institution. Since the last Report, the two new wings to the building have been completed. By these additional edifices, accommodations are furnished for one hundred and forty more patients than could be accommodated before.

The whole number of inmates at this time, is about three hundred and sixty. The arrangements, order, neatness, and general management of the institutions, are admirable. It fully maintains its high character, as an asylum, erected by the munificence of the State, for the reception of that unfortunate class of our fellow beings, who, by the Providence of God, are bereft of their reason. Under the administration of the benevolent and accomplished Superintendent, whose valuable services have been devoted to the institution from the commencement of its operations, the sufferings of all the patients are greatly alleviated, and a good proportion of them restored to health and reason, with joyful and grateful hearts, are given back to their families and friends.

Every philanthropist, and every lover of his State, must feel

gratified that such an institution has been established and sustained within its limits.

The liberal appropriations annually made by the Legislature for the benefit of the blind and the deaf and dumb, furnish the means of imparting the treasures of instruction and knowledge, to many children, whose indigence would forever shut them out from those blessings, but for the provisions of the Commonwealth in their behalf. The benefactors of those institutions where these classes of children are received and taught, and those generous and kind-hearted instructors who devote their lives to their service, are entitled to the thanks and gratitude of mankind.

You will be informed of the number and condition of the militia and arms of the Commonwealth, by the Report of the Adjutant General, which will be laid before you in due time.

The Massachusetts School Fund now amounts to \$810,493 60. The annual interest of this fund is distributed among the towns for the benefit of Common Schools. The past year the towns raised, for the support of Common Schools, \$576,556 02, being an increase over the preceding year of \$28,000. The Secretary of the Board of Education, in his Report for the present year, states that the amount raised by towns in various ways, "for Common Schools, will exceed one dollar apiece for every man, woman and child, in the State." The people of Massachusetts expend annually, for the purposes of education, more than a million of dollars. The returns from the towns for 1844-5, show the number of scholars in the State between the ages of four and sixteen years, to be 194,984. The whole number of public schools is 3,382. Incorporated academies, 66; unincorporated academies, private schools, and schools kept to prolong public schools, 1167—making, schools of all kinds, 4,615. The number of teachers in the public schools, including winter and summer, is 7,297. Of these, 2,523 are males, and 4,774 females. These returns also show several improvements gratifying to the friends of Education. The Secretary says, "the average length of the schools has increased a full month each." The number of schools kept through the year has also increased. Whilst there is a gradual improvement in the average attendance, the irregularity in that respect, continues to be a serious evil. When the State furnishes the means for schooling all its children, and those children, or their parents, neglect to improve those means, the funds of the State are not only wasted to the extent that they are not improved, but the absent children are grossly wronged, and the public defrauded of the benefits which would result from their education. Liberty, without intelligence, cannot be properly appreciated or long preserved. Our district school-houses are the moral and intellectual laboratories, where, under the fostering care of the State, and the blessing of Providence, the minds and characters of the rising generation, as they succeed each other, are to be fitted for the

enjoyment of freedom, and for performing the high duties of freemen; or their neglect is to sink those generations to the condition of slaves, whether they continue to live under the name of liberty or not. No expedient should be left untried which the wisdom of the Legislature can suggest, or the vigilance of school committees, or other citizens invent, to fill our school-houses, and give to every child the benefit of the liberal and free provisions made for him. To perfect our system of Common Schools, higher qualifications in teachers, more permanency in their employment, and better wages for their services, are demanded. These are subjects which, in your parental care for the present and future children of the Commonwealth, you cannot with safety overlook. I am happy to believe that at this time there exists, among the thousands of teachers in the State, a truer estimate of the dignity and magnitude of their employment, and more zeal to fit themselves for it, than has ever before existed. The Normal Schools begin to make themselves beneficially felt in this respect, in those parts of the State where they have been longest in operation. Within the last few months, a new element has been introduced, calculated to awaken a new interest among instructors of youth. I allude to teachers' institutes. At these meetings, those persons who are, or who expect to be, teachers, assemble together, and spend their time in taking lessons, and hearing lectures from experienced and accomplished masters, on those subjects which are connected with school teaching. These meetings have been for some time in operation in the State of New York, and have been attended with signal success. For the purpose of making the experiment here, a distinguished and patriotic citizen of Boston, who, a few years since, gave ten thousand dollars, to aid in the introduction of normal schools, with the same spirit of liberality, offered a thousand dollars for defraying the expenses of the experiment. Under the direction and personal superintendence of the enlightened and persevering Secretary of the Board of Education, four Institutes were assembled in different sections of the Commonwealth. In every instance, the result was most satisfactory and auspicious. I had the pleasure of witnessing the exercises and proceedings of one of those interesting assemblages. The lessons and lectures of those who conducted the Institute, were in the highest degree instructive. The punctuality, attention, improvement, and entire devotion to the great purpose for which they came together, on the part of the members, were worthy of all praise. I hope, before another year, some plan may be matured, by which all the teachers in the State may be able to participate in those institutions. May not some legislative aid and encouragement be given to a measure which looks entirely to the increased qualifications of teachers, and the improvement of Common Schools? I commend this great subject, which involves the

character and destiny of the Commonwealth, in all its branches, and with all its interests, to your wise deliberations.

The statute of distributions, and our admirable system of popular education, must ever be among the most efficient instruments of preserving to the people their cherished institutions, and liberty itself. The first, at once the voice of true affection and the dictate of equity and justice, distributes equally among kindred of the same degree, the accumulated wealth of the ancestor. By the munificent operations of the other, the treasures of education and knowledge are alike distributed among all the families of the State, and the children of the poor and the rich, so far as the means of intelligence and mental cultivation are concerned, begin life upon equal terms. Under this just and beautiful system, which began with the Pilgrims, the history of our people thus far shows, that, in the higher and better pursuits of life, the children of the poor have been successful, as well as the children of the rich.

In two former communications to the Legislature, I recommended the propriety of making their sessions as short as the public business would permit. I cannot forbear to renew that recommendation to you. At a time of domestic tranquillity and repose, when there are no agitating questions to prolong your deliberations, it seems to me that a short session, as a matter of economy, as well as an example to those who shall come after you, will be of great public use, and will meet the approbation of our constituents.

*Gentlemen of the Senate, and of the
House of Representatives :*

The legitimate object and end of all good government and right legislation, is, to give protection to property, safety to the person and reputation, to secure to labor a fair reward, and to elevate and improve the physical, intellectual, and moral condition of man.

When legislators lose sight of these beneficent purposes for which they are clothed with power, and allow themselves to be actuated by mere party or partial considerations, they pervert the trust committed to them, degrade their true dignity, and do great injustice to those who have given them their confidence.

Let us proceed in the discharge of the duties assigned us. Strictly observing the injunctions of the Constitution, which we are sworn to support, and looking for aid and direction to Him who gives wisdom to those who sincerely ask it, let us do all in our power to promote the lasting prosperity of our Commonwealth.

GEORGE N. BRIGGS.

Council Chamber, Boston, January 13, 1846.

To the Senate :

I herewith transmit to the Honorable Senate, for the information of the two branches, the following documents received by me, since the last session of the General Court :

1. Resolutions of the State of Maine, relating to the imprisonment of Thomas W. Dorr.

2. Report and Resolutions of the State of Connecticut, "relating to differences existing between the States of Massachusetts and South Carolina." Also, "Resolutions relating to the State of Rhode Island."

3. Resolutions of the State of New Hampshire, relating to the tariff; to the distribution of the proceeds of the sales of the public lands; recommending a modification of the existing postage laws; and a report in answer to certain Resolutions of the State of Rhode Island, concerning the imprisonment of Thomas W. Dorr.

4. Proceedings in the Rhode Island Legislature, "on sundry Resolutions of the State of Maine."

5. Details of the receipts and disbursements of the "disputed territory accounts."

6. Communication from A. D. Bache, Superintendent of weights and measures.

7. The annual reports of the Inspectors, Warden, and Physician of the State Prison.

8. Report of the Land Agent of the Commonwealth.

9. Report of the Adjutant General.

10. "Joint Resolutions of Texas, tendering to General Jackson, the tribute of a nation's gratitude."

The annual reports of the Trustees and Treasurer of the State Lunatic Hospital have been received, and placed in the hands of the Clerk of the Senate, to be disposed of agreeably to the provision in the first section of the Resolves of 1844, chapter 57.

Council Chamber, Jan. 14, 1846.

To the Senate :

I transmit herewith, for the consideration of the Legislature, a communication from the Secretary at War of the United States, designed to obtain the consent of this Government to the purchase, by the United States, of Governor's Island in the harbor of Boston, and a transfer of the jurisdiction of that island, and of Lovell's Island and George's Island in the same harbor, to the National Government.

Council Chamber, Jan. 17, 1846.

To the House of Representatives :

Agreeably to a provision in the second section of the Act of 1834, chapter 166, I transmit herewith the annual report and statement of the Commissioner of Marshpee, for the information of the Legislature.

Council Chamber, Jan. 21, 1846.

To the Honorable House of Representatives :

I transmit herewith, for the information of the Legislature, the Report of the doings of the Commissioners, appointed under the Resolve of 1844, chapter 41, to act in conjunction with Commissioners on the part of the State of Rhode Island, in ascertaining or establishing the true boundary line between Rhode Island and Massachusetts, from Pawtucket Falls to Bullock's Neck.

Council Chamber, Jan. 23, 1846.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, certain papers purporting to be Resolves of the State of Georgia, in relation to recent action of the government of this Commonwealth.

Council Chamber, Jan. 30, 1846.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, Resolves of the State of Vermont, concerning the union of Texas with the United States.

Council Chamber, Feb. 19, 1846.

To the Honorable House of Representatives :

Agreeably to a provision of the Resolves of 1845, chapter 109, I herewith transmit to the Honorable House, for the information and use of the Legislature, the report of the Commissioners appointed, by virtue of said Resolves, for the survey of South Bay, Charles River, and Mystic River and Pond, together with the plans illustrating the same.

Council Chamber, March 12, 1846.

To the House of Representatives :

I transmit herewith, for the information and use of the Legislature, an attested copy, received this day, of the opinion of

the Supreme Court of the United States, delivered by Mr. Justice McLean, and of the separate opinion of Mr. Chief Justice Taney, dismissing the complaint in the case of the State of Rhode Island and Providence Plantations, complainants, *versus* the Commonwealth of Massachusetts. I also transmit a letter, previously received from Mr. Webster, of counsel for the Commonwealth, briefly setting forth the grounds of the judgment of the court.

Council Chamber, March 23d, 1846.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, a letter this day received from the Secretary of the War Department of the United States, in reply to my communication to the President, transmitting the Resolves of the present General Court, relating to Fort Kent, on Fish River, in the State of Maine.

Council Chamber, April 4, 1846.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1846.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.
CHARLES MARSTON,
SAMUEL HOAR,
EBENEZER BRADBURY,
EDWARD DICKINSON,
JOHN P. BIGELOW,
CHARLES RUSSELL,
JAS. C. STARKWEATHER,
DANIEL N. DEWEY,
EDMUND P. TILESTON.

JOHN G. PALFREY,
Secretary of the Commonwealth.

William Tufts, 1st Clerk.

Charles W. Lovett, 2d Clerk.

JOSEPH BARRETT,

Treasurer and Receiver General of the Commonwealth.

Joseph Foster, 1st Clerk.

David Wilder, Jr. 2d Clerk.

SENATE.

WILLIAM B. CALHOUN,
PRESIDENT.

SUFFOLK DISTRICT.

John C. Gray,
Daniel Safford,
Thomas G. Cary,

James F. Baldwin,
Francis O. Watts.

ESSEX DISTRICT.

Edmund Kimball, Jr.,
George Wheatland,
George Hodges,

Henry Poor,
Dennis Condry.

MIDDLESEX DISTRICT.

James P. Whitney,
Thomas Hopkinson,
E. Rockwood Hoar,

Eli Rice,
Thos. Emerson,
Alfred Allen.

WORCESTER DISTRICT.

Joseph Stone,
John G. Thurston,
Stephen Salisbury,

Calvin Willard,
Jason Goulding.

HAMPSHIRE DISTRICT.

Chauncey B. Rising,

Josiah B. Woods.

FRANKLIN DISTRICT.

Zebina Field,

Joseph Avery.

HAMPDEN DISTRICT.

William B. Calhoun,

Forbes Kyle.

BERKSHIRE DISTRICT.

Thomas A. Bowen,
38

Samuel A. Hurlburt.

NORFOLK DISTRICT.

Samuel Guild,
James Maguire,

Oliver Felt.

PLYMOUTH DISTRICT.

Thomas P. Beal,

Welcome Young.

BRISTOL DISTRICT.

Nathaniel B. Borden,
Silas Shepard,

Thomas D. Eliot.

BARNSTABLE DISTRICT.

Zeno Scudder,

Barnabas Freeman.

NANTUCKET AND DUKES CO. DISTRICT.

Barker Burnell.

CHARLES CALHOUN, *Clerk.*
W. P. GREGG, *Assistant Clerk.*
REV. AMOS SMITH, *Chaplain.*
MILTON HALL, *Doorkeeper.*
TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

SAMUEL H. WALLEY, JR.

SPEAKER.

COUNTY OF SUFFOLK.

Boston,

Daniel Bartlett, Jr.,
Richard W. Bayley,
Joseph Bell,
Ephraim Buck,
Peleg W. Chandler,
James Clark,
Charles E. Cook,
Larra Crane,
F. B. Crowninshield,
William Denton,
Nathaniel Francis,
William Freeman,
Joel Giles,
John Green, Jr.,
George H. Kuhn,
Elijah Mears,
David Morgan,
John P. Ober,
John Osborn,
George W. Otis,
William Palfrey,
Henry Plympton,
Benjamin P. Richardson,
Richard Robins,
Benjamin Seaver,
Charles B. Shaw,
William Sturgis,
Thomas Tolman,
John B. Tremere,

Boston,

Charles Wade,
 Samuel Wales, Jr.,
 William R. P. Washburn,
 Charles A. Wells,
 William Willett,
 Royal B. Willis,
 Joshua Norton, Jr.

Chelsea,

COUNTY OF ESSEX.

*Amesbury,**Andover,**Beverly,**Boxford,**Bradford,**Danvers,**Essex,**Georgetown,**Gloucester,**Hamilton,**Haverhill,**Ipswich,**Lynn,**Lynnfield,**Manchester,**Marblehead,**Methuen,**Middleton,**Newbury,**Newburyport,**Rockport,**Rowley,**Salem,*

William Stevens,
 Herman P. Chandler,
 Albert Thorndike,
 John I. Baker,
 William Low,
 John G. Ingersoll,
 Henry Fowler,
 Richard Osborn,

Bartholomew Ring,
 Moses Gilbert,
 George Perkins,

Daniel F. Fitts,
 James Hale,

Jefferson Knight,
 Francis A. Smith,
 Josiah Dearborn,
 Forrest Jeffers,

Daniel N. Prime,
 Jonathan C. Perkins,

<i>Salem,</i>	James Kimball, Caleb Pierce, Aaron Perkins, Nathaniel Silsbee, Jr., William D. Pickman, Benjamin Sawyer,
<i>Salisbury,</i>	
<i>Saugus,</i>	
<i>Topsfield,</i>	
<i>Wenham,</i>	
<i>West Newbury,</i>	Otis Little.

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Daniel Wetherbee, 2d,
<i>Ashby,</i>	Reuben Bates,
<i>Bedford,</i>	
<i>Billerica,</i>	
<i>Boxborough,</i>	
<i>Brighton,</i>	Henry H. Larnard,
<i>Burlington,</i>	
<i>Cambridge,</i>	James D. Green, John Sargent, John S. Ladd,
<i>Carlisle,</i>	
<i>Charlestown,</i>	Christopher C. Dean,
<i>Chelmsford,</i>	
<i>Concord,</i>	John Stacy,
<i>Dracut,</i>	Timothy V. Coburn,
<i>Dunstable,</i>	
<i>Framingham,</i>	Calvin Shepard, Jr., William Livermore, Jr.,
<i>Groton,</i>	
<i>Holliston,</i>	
<i>Hopkinton,</i>	
<i>Lexington,</i>	Sullivan Burbank, Leonard Hoar,
<i>Lincoln,</i>	
<i>Littleton,</i>	
<i>Lowell,</i>	Gilman N. Nichols, Leonard Huntress, Sidney Spaulding, Benjamin Wilde,

<i>Lowell,</i>	C. W. Blanchard, George A. Butterfield, Samuel S. Upham,
<i>Malden,</i>	
<i>Marlboro',</i>	
<i>Medford,</i>	
<i>Natick,</i>	Henry Wilson,
<i>Newton,</i>	Isaac Hagar,
<i>Pepperell,</i>	Luther Lawrence,
<i>Reading,</i>	
<i>Sherburne,</i>	Amos Clarke,
<i>Shirley,</i>	John K. Going, Jr.,
<i>Somerville,</i>	
<i>South Reading,</i>	Robert H. Raddin,
<i>Stoneham,</i>	James Pierce,
<i>Stow,</i>	Edwin Whitney,
<i>Sudbury,</i>	Abel B. Jones,
<i>Tewksbury,</i>	
<i>Townsend,</i>	
<i>Tyngsboro',</i>	
<i>Waltham,</i>	
<i>Watertown,</i>	
<i>Wayland,</i>	Abel Gleason,
<i>West Cambridge,</i>	Joseph O. Wellington,
<i>Weston,</i>	
<i>Westford,</i>	Joseph Reed,
<i>Wilmington,</i>	
<i>Woburn,</i>	John C. Brackett.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	John C. Glazier,
<i>Athol,</i>	Samuel Sweetser,
<i>Auburn,</i>	
<i>Barre,</i>	Walter A. Bryant,
<i>Berlin,</i>	
<i>Blackstone,</i>	
<i>Bolton,</i>	Joel Barnard,
<i>Boylston,</i>	
<i>Brookfield,</i>	Francis Howe,
<i>Charlton,</i>	William Marble,

<i>Dana,</i>	
<i>Douglas,</i>	Samuel Amidon,
<i>Dudley,</i>	
<i>Fitchburg,</i>	
<i>Gardner,</i>	Smyrna W. Bancroft,
<i>Grafton,</i>	Esek Saunders,
<i>Hardwick,</i>	
<i>Harvard,</i>	
<i>Holden,</i>	
<i>Hubbardston,</i>	William Bennett, Jr.,
<i>Lancaster,</i>	Joel Wilder, 2d,
<i>Leicester,</i>	Joseph D. Sargent,
<i>Leominster,</i>	Charles W. Wilder,
<i>Lunenburg,</i>	John Lane,
<i>Mendon,</i>	Rufus Hayward,
<i>Milford,</i>	Alfred Bragg,
<i>Millbury,</i>	
<i>New Braintree,</i>	
<i>Northboro',</i>	Eben D. Blake,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	
<i>Oakham,</i>	William Crawford,
<i>Oxford,</i>	David Barton,
<i>Paxton,</i>	
<i>Petersham,</i>	Elbridge G. Miles,
<i>Phillipston,</i>	Peter Sanderson,
<i>Princeton,</i>	Sewell Mirick,
<i>Royalston,</i>	Hiram W. Albee,
<i>Rutland.</i>	David W. Fletcher,
<i>Shrewsbury,</i>	
<i>Southboro',</i>	
<i>Southbridge,</i>	
<i>Spencer,</i>	
<i>Sterling,</i>	Samuel Houghton,
<i>Sturbridge,</i>	Simeon Hooker,
<i>Sutton,</i>	
<i>Templeton,</i>	Gilman Day,
<i>Upton,</i>	William Legg,
<i>Uxbridge,</i>	Moses Taft, 2d,
<i>Warren,</i>	Sullivan Cowee,

Webster,
Westboro',
West Boylston,
Westminster,
Winchendon,
Worcester,

John Dixon, Jr.,
 Moses G. Maynard,
 Brigham Prescott,

 Wareham Rand,
 Ira M. Barton,
 John Milton Earle,
 Darius Rice.

COUNTY OF HAMPSHIRE.

Amherst,
Belchertown,
Chesterfield,
Cummington,
Easthampton,
Enfield,
Goshen,
Granby,
Greenwich,
Hadley,
Hatfield,
Middlefield,
Northampton,

Timothy J. Gridley,
 Roderick Dorman,
 Rufus Burnell,
 Hiram Steele,
 Zenas Clark,
 Alvin Smith,

Levi Taylor,

John A. Morton,
 Josiah Brown,
 Jonathan McElwain,
 Erastus Hopkins,
 Henry Dikeman,

Norwich,
Pelham,
Plainfield,
Prescott,
South Hadley,
Southampton,
Ware,
Westhampton,
Williamsburg,
Worthington,

Jerijah Barber,

Strong Clark,
 Samuel M. Lemon,

Erastus Bodman,
 Ransloe Daniels.

COUNTY OF HAMPDEN.

Blandford,
Brimfield,

Vincent S. Bradley,
 George Puffer,

<i>Chester,</i>	Levi Brown,
<i>Granville,</i>	
<i>Holland,</i>	
<i>Longmeadow,</i>	Lorin Burt,
<i>Ludlow,</i>	Artemas H. Whitney,
<i>Monson,</i>	
<i>Montgomery,</i>	
<i>Palmer,</i>	Lambert Allen,
<i>Russell,</i>	Newman Bishop, Jr.
<i>Southwick,</i>	
<i>Springfield,</i>	Walter Warriner,
	Henry Morris,
	Joseph B. McCune,
	George Dwight,
	Robert G. Marsh,
<i>Tolland,</i>	
<i>Wales,</i>	Absalom Gardner,
<i>Westfield,</i>	Hiram Fox,
	Chauncey Colton.
<i>West Springfield,</i>	
<i>Wilbraham.</i>	

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Isaac Burrows,
<i>Bernardston,</i>	John Porter,
<i>Buckland,</i>	Simeon H. Williams,
<i>Charlemont,</i>	
<i>Coleraine,</i>	
<i>Conway,</i>	
<i>Deerfield,</i>	Rufus Saxton,
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	Lucius Nims,
<i>Hawley,</i>	
<i>Heath,</i>	Sullivan Taft,
<i>Leyden,</i>	
<i>Leverett,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	Jonathan Hartwell,
<i>New Salem,</i>	Seth C. Smith,

Northfield,
Orange,
Rowe,
Shelburne,
Shutesbury,
Sunderland,
Warwick,
Wendell,
Whately.

Zebulon Allen,
 Benjamin Mayo,
 Solomon R. Drury,

Abijah Eddy,
 Lyman Fiske.

COUNTY OF BERKSHIRE.

Adams,
Alford,
Becket,
Cheshire,
Clarksburg,
Dalton,
Egremont,
Florida,
Great Barrington,
Hancock,
Hinsdale,
Lanesboro',
Lee,
Lenox,
Mount Washington,
New Ashford,
New Marlboro',
Otis,
Peru,
Pittsfield,
Richmond,
Sandisfield,
Savoy,
Sheffield,
Stockbridge,
Tyringham,
Washington,
W. Stockbridge,
Williamstown,
Windsor.

William S. Huntington,
 Andrew Bennett,

Cyrus Cleveland,

Almon J. Loring,
 Gardner Smith,

William D. B. Linn,
 George W. Platner,

Enos Smith,

Walter Cook,*
 William H. Parsons,
 Bradish Dunham,
 Jedediah Burrill,
 Horatio Byington,

Nathan Kinne,
 Isaac Latham.

* Mr. Cook having died during the session of the Legislature, Samuel Bartlett was elected to fill the vacancy.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	J. M. Freeman,
<i>Braintree,</i>	
<i>Brookline,</i>	
<i>Canton,</i>	
<i>Cohasset,</i>	James C. Doane,
<i>Dedham,</i>	Joseph Day,
<i>Dorchester,</i>	Eleazer J. Bispham,
	Oliver Hall,
<i>Dover,</i>	Elijah Perry, Jr.,
<i>Foxboro',</i>	John M. Everett,
<i>Franklin,</i>	
<i>Medfield,</i>	Henry Partridge,
<i>Medway,</i>	Horace Richardson,
<i>Milton,</i>	Simeon Emerson,
<i>Needham,</i>	Daniel Kimball,
<i>Quincy,</i>	
<i>Randolph,</i>	Samuel Newcomb,
<i>Roxbury,</i>	Samuel H. Walley, Jr.,
	John B. Jones,
	Joseph H. Billings,
<i>Sharon,</i>	Otis Johnson,
<i>Stoughton,</i>	Charles A. French,
<i>Walpole,</i>	George Bullard.
<i>Weymouth,</i>	
<i>Wrentham.</i>	

COUNTY OF BRISTOL.

<i>Attleboro',</i>	Moses Wilmarth,
<i>Berkley,</i>	Samuel Newhall,
<i>Dartmouth,</i>	James Rider,
	George Kirby,
<i>Dighton,</i>	
<i>Easton,</i>	Lincoln Drake,
<i>Fairhaven,</i>	Nathaniel Church,
	George Mendall,
<i>Fall River,</i>	Charles J. Holmes,
	Benjamin W. Miller,
	Albert G. Eaton,

Freetown,
Mansfield,
New Bedford,

Benjamin Dean,

J. H. W. Page,
 Abraham H. Howland,
 Thomas Kempton,
 David R. Greene,
 Calvin Staples,
 R. H. Williams,
 William D. Bullock,

Norton,
Pawtucket,
Raynham,
Rehoboth,
Seekonk,
Somerset,
Swansey,
Taunton,
Westport,

Granville Stevens,
 Leonard Walker,

Philip M. Marvel,

Perry Davis.

COUNTY OF PLYMOUTH.

Abington,
Bridgewater,
Carver,
Duxbury,
East Bridgewater,
Halifax,
Hanover,
Hanson,
Hingham,
Hull,
Kingston,
Marshfield,
Middleboro',

Goddard Reed,
 Spencer Leonard, Jr.

Joseph F. Wadsworth,

North Bridgewater,
Pembroke,
Plymouth,
Plympton,
Rochester,

Joseph S. Beal,
 George Leonard,
 Asa T. Winslow,
 Josiah Tinkham,
 Henry French,
 Luther Magoun,

Cephas Bumpus,
 George Bonney,
 Nathan Cannon,

Scituate,
Wareham,
West Bridgewater,

Harrison G. O. Ellis,
 Dwelley Fobes.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Charles C. Bearse,
	Thomas B. Lewis,
<i>Brewster,</i>	Albert P. Clark,
<i>Chatham,</i>	Watson Hinckley,
<i>Dennis,</i>	Joseph K. Baker,
<i>Eastham,</i>	
<i>Falmouth,</i>	Samuel P. Crosswell,
<i>Harwich,</i>	Cyrus Weeks,
<i>Orleans,</i>	Alexander Kenrick,
<i>Provincetown,</i>	James Gifford,
<i>Sandwich,</i>	David Benson,
	Charles Swift,
<i>Truro,</i>	Ebenezer Davis,
<i>Wellfleet,</i>	Robert Y. Payne,
<i>Yarmouth,</i>	Elisha Jenkins.

DUKES COUNTY.

<i>Chilmark,</i>	
<i>Edgartown,</i>	Joseph Mayhew,
<i>Tisbury,</i>	Stephen Skiff.

COUNTY OF NANTUCKET.

<i>Nantucket,</i>	Justin Lawrence,
	George Harris.

CHARLES W. STOREY, *Clerk.*

WILLIAM JENKS, {
S. D. ROBBINS, } *Chaplains.*

BENJAMIN STEVENS, *Sergeant at Arms of the General Court.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

E. W. PALMER, *Assistant Messenger.*

TIMOTHY HAYES, *Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 28, 1846.

I HEREBY CERTIFY, that the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals in this office.

JOHN G. PALFREY,

Secretary of the Commonwealth.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1847.

An Act to incorporate the Bowditch Mutual Fire Insurance Company.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Nathaniel D. Symonds, John S. Williams, and Frazier Carleton, their associates and successors, are hereby made a corporation, by the name of the Bowditch Mutual Fire Insurance Company, in Salem, in the county of Essex, for the term of twenty-eight years, for the purpose of insuring mills, shops, tanneries, public buildings, taverns, stables, and other buildings; together with merchandise, machinery, and any other property, real or personal: with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in any act in addition thereto. [Approved by the Governor, Jan. 28, 1847.]

Persons incorporated to insure fire risks in Salem for 28 years, on the mutual principle.

An Act to incorporate the North Adams Iron Company.

Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Nelson H. Stevens, Joseph N. Chapin, Rodman H. Wells, their associates and successors, are hereby made a corporation, by the name of the North Adams Iron Company, for the purpose of manufacturing iron in the town of Adams, county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture iron in Adams.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid,

Estate not to exceed \$200,000.

not exceeding in amount two hundred thousand dollars.
[Approved by the Governor, Jan. 29, 1847.]

Chap. 3.

An Act to incorporate the Taunton Locomotive Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
steam-engines,
rail-road cars,
and machinery
in Taunton.

Real estate not
to exceed
\$100,000, and
capital stock
\$250,000.

SECTION 1. William A. Crocker, Willard W. Fairbanks, William Raymond Lee, their associates and successors, are hereby made a corporation, by the name of the Taunton Locomotive Manufacturing Company, for the purpose of manufacturing the various kinds of steam-engines, rail-road cars, and machinery, in the town of Taunton, county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed two hundred and fifty thousand dollars. [Approved by the Governor, Jan. 29, 1847.]

Chap. 4.

An Act to incorporate the Manomet Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
iron in Sand-
wich.

Estate not to
exceed \$100,-
000.

SECTION 1. Clark Hoxie, William Stutson, Benjamin F. Leonard, their associates and successors, are hereby made a corporation, by the name of the Manomet Iron Company, for the purpose of manufacturing iron, in all its various forms, in the town of Sandwich, county of Barnstable, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, Jan. 29, 1847.]

Chap. 5.

An Act to incorporate the Marblehead Cordage Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
cordage in Mar-
blehead.

SECTION 1. John Bubier, William Fabens, David Blaney, their associates and successors, are hereby made a corporation, by the name of the Marblehead Cordage Company, for the purpose of manufacturing cordage in the town of Marblehead, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set

forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount seventy-five thousand dollars. Estate not to exceed \$75,000.
[Approved by the Governor, Jan. 29, 1847.]

An Act giving further time to the President, Directors, and Company of the Middlesex Bank, to close their concerns. Chap. 6.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The President, Directors, and Company of the Middlesex Bank are hereby continued a body corporate for the period of two years from the fourth day of April, in the year one thousand eight hundred and forty-seven, with all the powers and privileges, and subject to the limitations set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. Incorporation continued to April 4, 1849.
[Approved by the Governor, Jan. 30, 1847.]

An Act to authorize John M. Forbes and Samuel Henshaw, Trustees, to extend a Wharf in the City of Boston. Chap. 7.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John M. Forbes and Samuel Henshaw, as they are trustees of Joseph Lyman, Jr., and of Susan B. Lyman, his wife, are hereby authorized to extend their wharf on Charles Street, between West Boston Bridge and the Mill Dam, in the westerly part of the city of Boston, to the line established as the commissioners' line, by the acts concerning the harbor of Boston, passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and on the sixth day of March, in the year one thousand eight hundred and forty-one, and shall have the right to lay vessels at the sides and end of said wharf, extended as aforesaid, and receive wharfage and dockage therefor; but not to injure or interfere with the legal rights or the property of any other persons or person. Wharf in Boston may be extended to the line, &c.

Provided, however, that so much of said wharf as shall extend below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in the transverse direction: *and provided, also,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other persons, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line. Provided, &c.
[Approved by the Governor, Jan. 30, 1847.]

Chap. 8. An Act to authorize William R. Lovejoy and others to extend their Wharf.
BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

Provided, &c.

William R. Lovejoy, James M. Whiton, and Alfred A. Wellington, proprietors of a wharf situated in that part of Boston known as East Boston, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by an act, entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in a direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [Approved by the Governor, Feb. 3, 1847.]

Chap. 9. An Act to establish a Fire Department in the Town of Framingham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Duties, powers, &c.

A fire department is hereby established in the town of Framingham, subject to all the duties and liabilities, and with all the powers and privileges, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine. [Approved by the Governor, Feb. 3, 1847.]

Chap. 10. An Act to incorporate the Boston and New Bedford Oil Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture oil and candles in New Bedford.

SECTION 1. George T. Baker, Ward M. Parker, and Samuel Goddard, their associates and successors, are hereby made a corporation, by the name of the Boston and New Bedford Oil Company, for the purpose of manufacturing sperm, whale, and other oils, and spermaceti and stearin candles, in the town of New Bedford, in the county of Bristol, and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$100,000.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, Feb. 5, 1847.]

An Act to incorporate the Rockport Steam Cotton Mills.

Chap. 11.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Jabez R. Gott, Josiah Haskell, David Babson, their associates and successors, are hereby made a corporation, by the name of the Rockport Steam Cotton Mills, for the purpose of manufacturing cotton goods, in the town of Rockport, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton goods in Rockport.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed four hundred thousand dollars. [Approved by the Governor, Feb. 8, 1847.]

Real estate not to exceed \$100,000, and capital stock \$400,000.

An Act to incorporate the Briggs Iron Company.

Chap. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. T. Perkins Pingree, John Kinsman, Amory Holbrook, their associates and successors, are hereby made a corporation, by the name of the Briggs Iron Company, for the purpose of mining and manufacturing iron in the towns of Lanesborough or Pittsfield, county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to mine and manufacture iron in Lanesborough or Pittsfield.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars. [Approved by the Governor, Feb. 8, 1847.]

Real estate not to exceed \$100,000, and capital stock \$300,000.

An Act to define the Time of Night-time in Criminal Prosecutions.

Chap. 13.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever, in any criminal prosecution, an offence is alleged to have been committed in the night-time, the time called night-time shall be deemed and be considered to be the time which existed between one hour after the sun-setting on one day, and one hour before sun-rising on the next day ; and, in all cases, the time of sun-setting and sun-rising shall be ascertained according to mean time, in the place where the offence was committed.

Interval between one hour after sunset, and one hour before sunrise, &c.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 9, 1847.]

When to take effect.

Chap. 14.

An Act concerning the Sale of Potatoes in this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bushel to weigh
sixty pounds,
&c.

In all purchases and sales of potatoes hereafter made, the standard weight of the bushel shall be sixty pounds. And the provisions of the one hundred and ninety-ninth section of the twenty-eighth chapter of the Revised Statutes, shall hereafter apply to all such purchases and sales. [Approved by the Governor, Feb. 10, 1847.]

Chap. 15.

An Act to incorporate the Springfield Gas Light Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
and sell gas in
Springfield.

Real estate not
to exceed
\$50,000 and
capital stock
\$100,000.

May open the
ground in
streets, &c., in
Springfield,
with consent of
selectmen.

Provided, &c.

SECTION 1. James D. Brewer, Albert Morgan, Henry Gray, their associates and successors, are hereby made a corporation, by the name of the Springfield Gas Light Company, for the purpose of manufacturing and disposing of gas in the town of Springfield, in the county of Hampden; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value fifty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of said town of Springfield, shall have power and authority to open the ground in any part of the streets, lanes and highways, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink, for the purpose aforesaid. And the said corporation, after opening the ground in said streets, lanes and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance; *provided*, that the said selectmen, for the time being, shall, at all times, have power to regulate, restrict and control the acts and doings of said corporation, which may, in any manner, affect the health, safety or convenience of the inhabitants of said town. [Approved by the Governor, Feb. 10, 1847.]

Chap. 16.

An Act to establish the Bay State Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated as
bankers in Me-
thuen till Octo-
ber 1, 1851.

SECTION 1. Charles S. Storrow, Charles H. Bigelow and John Tenney, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Bay State Bank, to be established in

Methuen, in the county of Essex, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and fifty-one, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

SECTION 2. The stock in said bank shall be transferred only at its banking house and in its books.

Stock transferable at banking house, &c.

SECTION 3. The capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in on or before the first day of January next. [Approved by the Governor, Feb. 10, 1847.]

Capital to consist of \$200,000, in shares of \$100, &c.

Provided, &c.

An Act in addition to an Act to incorporate the Agawam Canal Company.

Chap. 17.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Agawam Canal Company, in addition to their present powers, are hereby authorized to manufacture cotton and woolen goods. [Approved by the Governor, Feb. 16, 1847.]

May manufacture cotton and woolen goods.

An Act to incorporate the Tanners' Mutual Insurance Company.

Chap. 18.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph Southwick, Abel Proctor and Timothy C. Kendall, their associates and successors, are hereby made a corporation, by the name of the Tanners Mutual Insurance Company, in Boston, for the term of twenty years, for the purpose of insuring tanneries and other property, real and personal, against loss by fire, in the usual and customary manner, on the principle of a mutual insurance company, with all the powers and privileges, and subject to all the duties and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created.

Persons incorporated to insure fire risks in Boston for 20 years, on the mutual principle.

SECTION 2. Policies having not more than one year to run may be made, by this corporation, on tanneries out of this Commonwealth, and the stocks therein; *provided* that satisfactory security be given for securing the payment of the deposit notes, and any sums which may be assessed in consequence of effecting such policies. [Approved by the Governor, Feb. 16, 1847.]

May insure tanneries, &c., out of this Commonwealth, for one year.

Provided, &c.

Chap. 19. An Act concerning the Mutual Fire Assurance Company of Springfield and the vicinity.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued to February 23, 1867,

SECTION 1. The "Act to incorporate the Mutual Fire Assurance Company of Springfield and the vicinity," passed February twenty-third, one thousand eight hundred and twenty-seven, and the several acts in addition thereto, shall be continued and remain in force for the term of twenty years, from and after the twenty-third day of February, in the year one thousand eight hundred and forty-seven; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

under another name.

SECTION 2. Said company shall hereafter be called and known by the name of the Mutual Insurance Company of Springfield, and for the counties of Hampden, Hampshire, and Franklin. [Approved by the Governor, Feb. 16, 1847.]

Chap. 20. An Act to define more accurately the Limits for the Extension of certain Wharves in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharves in Boston may be extended to the line, &c.

Marcus A. Metcalf, proprietor of a certain wharf, situated at the foot of Minot street and Andover street, in the city of Boston; George Parkman, proprietor of a wharf on North Grove street, in said city; the heirs of Ward Jackson, proprietors of a wharf situated on Grove street, in said city; Robert G. Shaw, and Eliza W. Shaw, his wife, proprietors of a wharf adjoining the northerly side of Cambridge street and Cambridge Bridge, in said city; Benjamin Lamson, proprietor of certain wharves called Lamson's wharves, situated on Marginal street, in that part of the city of Boston called East Boston; Stephen Locke and John Wheeler, proprietors of a wharf situated on Marginal street aforesaid; are hereby authorized to extend their several wharves, respectively, to the line established as the commissioners' line, by an act concerning the harbor of Boston, passed on the seventeenth day of March, in the year eighteen hundred and forty, with all the privileges, and subject to all the liabilities, mentioned in the several acts heretofore passed in relation to the said wharves, respectively. [Approved by the Governor, Feb. 16, 1847.]

An Act to incorporate the Massachusetts Solar Gas and Foundry Company. *Chap. 21.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel Curtis, Alfred Randall, James T. Fisher, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Solar Gas and Foundry Company, for the purpose of manufacturing gas, gas apparatus, and all kinds of iron-castings, and disposing of the same, in that part of the city of Boston called East Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture and sell gas, gas apparatus, and iron-castings, in Boston.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Real estate not to exceed \$50,000, and capital stock \$100,000.

SECTION 3. Said corporation, with the consent of the mayor and aldermen of said city of Boston, shall have power and authority to open the ground in any part of the streets, lanes, and highways, in that part of the city of Boston called East Boston, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose of conducting gas in said East Boston; and the said corporation, after opening the grounds in said streets, lanes, or highways, shall be held to put the same again in good repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said mayor and aldermen, for the time being, shall, at all times, have power to regulate, restrict, and control the acts and doings of said corporation, which may in any manner affect the health, safety, or convenience, of the inhabitants of said city. [*Approved by the Governor, Feb. 18, 1847.*]

May open the ground in streets, &c. of Boston with consent of mayor and aldermen.

Provided, &c.

An Act relating to the Providence and Worcester Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Providence and Worcester Rail-road Company, a corporation established by law, are hereby authorized and empowered, the consent of the Norwich and Worcester Rail-road Company being first obtained therefor, to enter with their rail-road upon the Norwich and Worcester Rail-road, at a point near the intersection of said Norwich and Worcester Rail-road with the Western Rail-road, in the town of Worcester, and thence to run their locomotive engines and cars upon said Norwich and Worcester Rail-road, to a point at or near the depot of the Norwich and Worcester Rail-road, on the north side of Mechanic street, in said Worcester.

Chap. 22.

May enter upon and use the Norwich and Worcester Rail-road, with consent, &c.

Time for location of road.

SECTION 2. The time within which said Providence and Worcester Rail-road Company may file the location of their road, so far as the same lies within this Commonwealth, is hereby extended to the first day of July next.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 18, 1847.*]

Chap. 23.

An Act to incorporate the Cape Ann Steam Cotton Manufactory.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Benjamin K. Hough, Jr., John W. Lowe, George H. Rogers, their associates and successors, are hereby made a corporation, by the name of the Cape Ann Steam Cotton Manufactory, for the purpose of manufacturing cotton goods in the town of Gloucester, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture cotton goods in Gloucester.

Estate not to exceed \$400,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount four hundred thousand dollars. [*Approved by the Governor, Feb. 18, 1847.*]

Chap. 24.

An Act to incorporate the Union Wharf Company, in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to purchase land, wharves, &c. in Boston,

SECTION 1. John L. Gardner, Francis Peabody, and George Peabody, their associates and successors, are hereby made a corporation, by the name of the Union Wharf Company, with power to purchase and hold, in fee simple, or otherwise, all or any part of that tract of land, wharves, docks, and flats, situated on the easterly side of Commercial street, in said Boston, and bounded northerly by the line of the estate known as Lincoln's wharf, westerly by said Commercial street, southerly by the line of the estate known as Sargent's wharf, and easterly by the commissioners' line, so called, in Boston harbor, with all the privileges and appurtenances to the said premises belonging ; and the said corporation may, within the limits aforesaid, construct docks and wharves, lay vessels within and at the ends and sides thereof, and receive dockage and wharfage therefor ; erect buildings, lay out streets and passage-ways, and improve and manage said property as to them shall seem expedient : *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person.

and to build wharves, &c.

Provided, &c.

Capital stock to consist of 1000 shares of \$1000.

SECTION 2. The said corporation may, at any legal meeting, agree upon the number of shares, not exceeding one

thousand, into which their stock shall be divided, which shares shall be transferable in a book to be kept by the clerk of the corporation for that purpose; may, from time to time, assess upon the stockholders such sums of money, not exceeding, in the whole, one thousand dollars on each share, as may be necessary for the purchase, improvement, and management of their estate; and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholder, as may be sufficient therefor, to be sold in such mode as the said corporation may, by its by-laws, determine.

Transfer of stock.

Assessments.

Shares of non-paying stockholders may be sold.

SECTION 3. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, Feb. 18, 1847.]

Powers and duties.

An Act to incorporate the Shirley Manufacturing Company.

Chap. 25.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Sherman Willard, William W. Edgerton, Israel Longley, their associates and successors, are hereby made a corporation, by the name of the Shirley Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Shirley, county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton goods in Shirley.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 18, 1847.]

Real estate not to exceed \$50,000, and capital stock \$100,000.

An Act in addition to an Act to incorporate the Berkshire Woolen Company.

Chap. 26.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Berkshire Woolen Company, in addition to their present powers, are hereby authorized to manufacture flour and the various kinds of meal. [Approved by the Governor, Feb. 18, 1847.]

May manufacture flour and meal.

An Act to authorize Joseph K. Baker and another to build a Wharf.

Chap. 27.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Joseph K. Baker and Arannah Small are hereby authorized to build and maintain a wharf, extending four hundred

Wharf may be built, &c. in

Dennis, 400 feet into the sea. feet into the sea from land owned by them in the town of Dennis, near a place called the Shad Hole, and to lay vessels at said wharf, and receive wharfage and dockage therefor :

Provided, &c. that this act shall in no wise affect the legal rights of any other persons whatever. [Approved by the Governor, Feb. 22, 1847.]

Chap. 28.

An Act relating to Westford Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Majority of trustees may be inhabitants of Westford.

So much of the fifth section of the act to establish an academy in the town of Westford, by the name of Westford Academy, passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-three, as requires that a major part of the trustees of said academy shall consist of men who are not inhabitants of the town of Westford, is hereby repealed. [Approved by the Governor, Feb. 22, 1847.]

Chap. 29.

An Act to establish the City of Charlestown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charlestown to be a city.

SECTION 1. The inhabitants of the town of Charlestown shall continue to be a body politic and corporate, under the name of the City of Charlestown ; and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town as a municipal corporation.

Administration, &c. to be vested in a mayor, 6 aldermen, and 18 common council men, &c.

SECTION 2. The administration of all the fiscal, prudential, and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor ; one council of six, to be called the board of aldermen ; and one council of eighteen, to be called the common council, which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for doing business, and no member of either shall receive any compensation for his services.

Boards to serve without compensation.

Selectmen to divide the town into three wards.

SECTION 3. It shall be the duty of the selectmen of the town of Charlestown, as soon as may be after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into three wards, as nearly equal in number of inhabitants as may be consistent with convenience in other respects. And it shall be the duty of the city council, once in five years, to revise, and, if it be needful, to alter said wards, in such manner as to

Arrangement thereof to be revised every five years by the city council.

preserve, as nearly as may be, an equal number of voters in each ward.

SECTION 4. On the second Monday in March, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall hold their offices for one year from the first Monday in April following said second Monday in March, and until others shall have been chosen in their places. And it shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if, at any meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden, *pro tempore*, shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk, *pro tempore*, shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successors in office all such records and journals, together with all other documents and papers held by him in said capacity. And it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath or affirmation faithfully and impartially to discharge their several duties relative to elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Middlesex. And all warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned in such manner, and at such times, as the city council may, by any by-law, direct.

Election, qualifications, and duties of wardens,

clerk,

and inspectors of elections.

To serve under oath, &c.

Warrants for ward and city meetings.

SECTION 5. The mayor and six aldermen, two aldermen to be selected from each ward, shall be elected by the inhabitants of the city at large, voting in their respective wards, and six common council men shall be elected from and by each ward, being residents of the wards in which they are elected: all said officers shall be chosen by ballot, and shall hold their offices for one year from the first Monday in April, and the mayor, until another shall be elected and qualified in his place.

Election, qualification, and term of office of mayor, aldermen and common council men.

SECTION 6. On the second Monday in March, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common council men, warden, clerk and inspectors, as provided in the preceding sections; and all the votes so given shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words, at

Proceedings at meetings for elections.

Certificates of elections to members of common council.

Provided, &c.

Notification to mayor.

Proceedings in case of failure to elect a mayor.

Proceedings to supply vacancy in the office of mayor,

and of aldermen.

Notification to aldermen.

Administration and record of oaths of office.

Record, &c. in case of failure to choose a mayor.

length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected warden, clerk, inspectors, and members of the common council, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election, certified in like manner: *provided, however*, that, if the choice of warden, clerk, inspectors or common council men cannot be conveniently effected on that day, the meeting may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of all the votes, or, if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore described, for the choice of mayor, and repeated, from time to time, until a mayor is chosen.

In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, in convention, to order, by vote, an entry of that fact to be made in their records, and then to elect a mayor, for the time being, to serve until another is chosen, or until the occasion causing the vacancy is removed.

And if it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore directed for choice of mayor. And each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace for the county of Middlesex.

The aldermen and common council men elect shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Middlesex; and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

And whenever it shall appear that no mayor has been elected previously to the said first Monday in April, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid.

After the oath has been administered as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and clerk, to hold their office during the pleasure of the common council, and to be sworn to the faithful performance of their duties.

Organization of common council.

In case of the absence of the mayor elect on the first Monday in April, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present, and the oath of office may be administered to the mayor at any time thereafter, in a convention of the two branches.

Proceedings in case of absence of the mayor elect at the time for organization.

In the absence of the mayor, the board of aldermen may choose a chairman, *pro tempore*, who shall preside at joint meetings of the two boards.

Mayor *pro tempore*.

Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and, in failure of election, or in cases of vacancy declared by either board, the mayor and aldermen shall order a new election.

Duties of each board as to records, rights to seats, and new elections.

SECTION 7. The mayor, thus chosen and qualified, shall be the chief executive officer of said city. It shall be his duty to be vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers, with power to remove them for neglect of duty. He may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices to be left at the places of residence of the several members: he shall communicate, from time to time, to both of them, such information, and recommend such measures, as, in his opinion, the interests of the city may require: he shall preside in the board of aldermen, and in convention of the two branches, but shall have only a casting vote.

Duties of mayor.

The salary of mayor, for the first year in which this charter shall take effect, shall be five hundred dollars, and no more; his salary shall afterwards be fixed by the city council, but neither increased nor diminished during the year for which he is chosen, and he shall have no other compensation: *provided, however*, that the city council shall have power to appoint the mayor, commissioner of highways, when, in their opinion, such an officer is necessary, and allow him a suitable compensation therefor.

Compensation.

SECTION 8. The executive power of said city, generally, and the administration of police, with all the powers heretofore vested in the selectmen of Charlestown, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. And all other powers now vested in the inhabitants of said town, as a municipal corporation, and all powers granted by this act, not herein otherwise provided for, shall be vested in the mayor and aldermen and common council of said city, to be exercised

Mayor may be commissioner of highways.

Executive powers of selectmen transferred to mayor and aldermen, and powers of inhabitants transferred to mayor and aldermen and common council.

by concurrent vote, each board to have a negative upon the other.

Power of mayor, &c. in respect to appointments, removals,

And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers; and the same to remove at pleasure.

requiring bonds,

And the mayor and aldermen may require any person, appointed a constable of the city, to give bonds, with such security as they may deem reasonable, before he enters upon the duties of his office, upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by the selectmen of towns.

and licenses.

And the mayor and aldermen shall have the same power to grant licenses to innholders, victuallers, and retailers, within the city, which is possessed by the mayor and aldermen of the city of Boston.

City council to appoint, &c. certain officers.

The city council shall, annually, as soon after their organization as may be convenient, elect, by joint ballot in convention, a treasurer and collector of taxes, engineers of the fire department, a city clerk, three assessors of taxes,—and fix their compensations. They shall also, in such manner as they shall determine, appoint or elect all other subordinate officers, not herein otherwise directed, define their duties, and fix their compensations.

Sittings to be public, *provided*, &c.

All sittings of the common council shall be public, and all sittings of the mayor and aldermen, when they are not engaged in executive business.

Safe keeping, &c. of city property.

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and proper accountability, by requiring bonds, with sufficient penalties and sureties, from all persons trusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of the city buildings, with the power to let or to sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

Mayor to nominate, &c.

SECTION 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, such nomination, however, being subject to be confirmed or rejected by the board of aldermen: *provided, however*, that no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the

Provided, &c.

time of such appointment, shall be a member of the board of aldermen or of the common council.

SECTION 10. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Charlestown. He shall be chosen for one year, and until another shall be chosen and qualified in his place, but may be at any time removed by the city council.

Duties, &c. of city clerk.

SECTION 11. The citizens, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, two persons in each ward, to be overseers of the poor; and the persons thus chosen, together with the mayor, shall constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Charlestown.

Overseers of the poor.

And the citizens shall, at the same time and in the same manner, elect five persons from the city at large, and two persons from each ward, to be members of the school committee; and the persons thus chosen shall constitute the school committee, and have the care and superintendence of the public schools; and said school committee shall have all the powers and privileges, and be subject to all the liabilities, set forth in an act passed by the Legislature of Massachusetts, in the year of our Lord one thousand seven hundred and ninety-three, entitled "An Act to incorporate certain Persons by the name of the Trustees of Charlestown Free Schools," and all acts in addition thereto.

School committee.

And the persons chosen by the city council as assessors, shall constitute the board of assessors, and shall exercise the powers, and be subject to the duties and liabilities, of assessors in towns.

Assessors.

All taxes shall be assessed, apportioned, and collected, in the manner prescribed by law relative to town taxes: *provided, however*, that it shall be lawful for the city council to establish further additional provisions for the collection thereof.

Assessment, apportionment, and collection of taxes.

Provided, &c.

Should there fail to be a choice of overseers of the poor, or members of the school committee, the vacancy or vacancies shall be filled by the city council in convention, in the same manner that is provided for filling vacancies in the Senate of this Commonwealth.

Proceedings to fill vacancies in said boards.

SECTION 12. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way,

Powers of city council, and of mayor and aldermen, in respect to streets and ways.

Appeals for damages.

shall first be acted upon by the mayor and aldermen. And any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Middlesex, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided, by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.

Health officers.

SECTION 13. All power and authority now by law vested in the board of health for the town of Charlestown, or in the selectmen of said town, shall be transferred to, and vested in, the city council, to be carried into execution in such manner as the city council shall deem expedient.

Power of city council in respect to drains and common sewers,

SECTION 14. The city council shall have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer.

and to the inspection of wood, &c.

And the city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal, and bark, brought into the city for sale.

Duty of city council to determine number of representatives to General Court, &c.

SECTION 15. It shall be the duty of the city council, annually, in the month of October, to meet in convention and determine the number of representatives to be elected by the city to the General Court, in such year, which shall be conclusive, and the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Proceedings at and after meetings for election of County, State and Federal officers.

SECTION 16. All elections for County, State and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes given for said several officers respectively shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record in words at length.

The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the

same manner as similar returns are by law directed to be made by selectmen of towns.

And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

SECTION 17. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors, assistant assessors, and city officers, and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list.

Lists of voters.

SECTION 18. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good; to instruct their representatives; and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned, by the mayor and aldermen, upon the requisition of fifty qualified voters.

Meetings of the citizens.

SECTION 19. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Charlestown, for the time being, shall, on some day during the months of March or April of the present year, issue their warrants seven days at least previous to the day appointed, calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and said selectmen shall appoint, for this first meeting, a warden, clerk, and three inspectors of elections for each ward, which officers shall be sworn to the faithful discharge of their duties; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same, and, in case said elections should not be completed at the first meeting, then to issue new warrants until such elections shall be completed; and to give notice thereof, in the manner hereinbefore directed, to the several persons elected. And at said first meeting, a

First organization of city government.

- list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when appointed to be used as hereinbefore directed. And the selectmen shall appoint such time, for the first meeting of the city council, as they may judge proper, after the choice of city officers as aforesaid, or a majority of the members of both branches, not later than the first Monday in May, in the year one thousand eight hundred and forty-seven, and shall also fix upon the place and the hour of said first meeting; and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.
- Subsequent organizations.** And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.
- Appointment of city officers by city council.** And it shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified. And at the meetings to be called as prescribed in this section for the choice of ward and city officers, the said inhabitants may, and shall, also give in their votes for county officers, which votes shall be recorded, certified, and returned, in the manner provided in the sixteenth section of this act.
- Votes for county officers.**
- Powers of city council to make by-laws, with penalties, &c.** SECTION 20. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority whatever: *provided, however*, that all laws and regulations now in force in the town of Charlestown, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force, and all fines and forfeitures for the breach of any by-law, or ordinance, shall be paid into the city treasury.
- Provided, &c.**
- Annual town meeting suspended, &c., and town officers to hold over, &c.** SECTION 21. The annual town meeting for the town of Charlestown, which by law is to be held in the month of March, is hereby suspended, and all town officers now in office shall hold their places until this act shall go into operation; and in case this charter shall not be accepted in the manner and form as hereinafter provided, then the selectmen shall issue their warrant according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.
- Proceedings in case of non-acceptance of this charter.**

SECTION 22. All officers of the town of Charlestown, having the care and custody of any records, papers, or property, belonging to said town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office.

Delivery of records, &c. to city clerk.

SECTION 23. All such acts and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent provisions.

SECTION 24. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter and amend this act.

SECTION 25. This act shall be void, unless the inhabitants of the town of Charlestown, at a legal town meeting, called for that purpose, shall, by a vote of a majority of the voters present and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage, at which meeting the polls shall be kept open not less than six hours, and the presiding officer, in receiving said ballots, shall use the check-lists, in the same manner as they are used in elections.

Act to be void unless accepted by inhabitants, &c.

SECTION 26. This act shall go into operation from and after its passage. [*Approved by the Governor, Feb. 22, 1847.*]

When to take effect.

An Act concerning the Chelsea Branch Rail-road Company.

Chap. 30.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Chelsea Branch Rail-road Company are hereby empowered to locate, construct, and maintain, a branch rail-road, with one or more tracks, commencing at some convenient point in the line of their road heretofore authorized to be built by said corporation in Chelsea, at or near the easterly margin of the Winnisimmet Company's marsh, near the old Malden road, thence continuing easterly and southeasterly through lands of Cary, and of said Winnisimmet Company, east of Highland street, to a point in the Eastern rail-road, or on the southeasterly side thereof, at East Boston, thence continuing southwesterly to some convenient point or depot on or near the deep water southeasterly of said Eastern rail-road depot, or to alter or discontinue so much of their granted road as lies northerly and easterly of the point at which the line of the branch hereby authorized commences, as may be deemed expedient; *provided*, that said line, if altered, shall run southerly of the Cary Dell, and so as to join the branch hereby authorized. And also to alter or straighten the line of the road northwesterly of the said old road to Malden, *provided* the Winnisimmet Company shall consent thereto; *provided, also*,

Location of branch rail-road.

that, in all cases wherever said rail-road shall cross southeasterly of the old county road leading to Malden, any street, highway, or turnpike now constructed, or to be constructed in said town of Chelsea, as laid down on the plan of the Winnisimmet Company, said rail-road company shall construct and maintain good and substantial bridges across said rail-road, grading the highways thereto, so that the public travel on said streets, highways, or turnpike, may not, in any way, be obstructed by said rail-road.

The Legislature may authorize its use by any other company.

SECTION 2. The Legislature may authorize any company to enter with another rail-road upon, and use the said Chelsea Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Chelsea Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

May hold real estate in East Boston,

SECTION 3. The said Chelsea Branch Rail-road Company are hereby authorized to hold real estate in East Boston, southeasterly of the Eastern rail-road depot, and between said depot, and land, and flats, late of John Brown deceased, for depots, storehouses, and rail-road purposes, and may increase their capital stock not exceeding ten thousand shares.

and increase capital stock not exceeding 10,000 shares.

May allow other corporations to establish depots on their land, &c.

SECTION 4. The said Chelsea Branch Rail-road Company may allow any other rail-road corporation to establish depots on their premises, and may sell or lease the land which may be necessary therefor; and all such rail-road corporations as may establish depots on said premises are hereby authorized to hold the same in fee simple, or otherwise.

May enter upon and use the Eastern rail-road.

SECTION 5. Said Chelsea Branch Rail-road Company is hereby authorized to enter, with their roads, upon the Eastern rail-road, and to use the same, or any part thereof, according to the provisions of law in that behalf made and provided.

Time for location and completion of road.

SECTION 6. If the Chelsea Branch Rail-road Company shall not, within one year, file a location of their roads, in manner required by law, or if said roads shall not be completed within three years from the passage of this act, then this act shall be void.

Capital stock subject to general provisions of law, &c.

SECTION 7. The general provisions of law relative to the purchase of any rail-road by the Commonwealth, and the provisions of the act incorporating the Chelsea Branch Rail-road Company relative to tolls, shall apply to the capital stock of said company, as the same may, at any time, exist, or be affected by any sale authorized by this act. [*Approved by the Governor, Feb. 23, 1847.*]

An Act in addition to an Act to incorporate the Worcester County Manual Labor High School.

Chap. 31.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The corporation now known by the name of "The Trustees of the Worcester County Manual Labor High School," in the town of Worcester, shall be hereafter called and known by the name of "The Trustees of the Worcester Academy in Worcester;" said corporation to be subject to all the duties and liabilities, and entitled to all the advantages and privileges, contained in the act to which this is in addition. [Approved by the Governor, Feb. 24, 1847.]

Incorporation continued under another name.

An Act requiring Banks and Savings Institutions, under Settlement, to make Annual Reports.

Chap. 32.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The directors of every bank, and the trustees of every savings institution, who have been, or may hereafter be, authorized to settle and close their concerns, and all agents and receivers who have been, or may hereafter be, appointed to take possession of the property and effects of any bank, shall annually, on the second Wednesday of January in each year, make a report to the Legislature, stating, under specific heads, the liabilities and the property of each corporation, and rendering a full account of their receipts, payments, and doings, in the execution of their respective trusts.

Directors, trustees, &c., to make reports to the Legislature of liabilities, &c.

on every second Wednesday in January.

SECTION 2. All directors and trustees of every bank and savings institution, authorized to close their concerns, and all agents and receivers appointed to take possession of the property and effects of any bank, who shall neglect to comply with the provisions of the preceding section, shall severally forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, twenty dollars for each and every day's neglect; and no payment of any forfeiture so incurred, or of any expenses resulting from such forfeiture, shall be allowed as a charge against such bank or savings institution. [Approved by the Governor, Feb. 24, 1847.]

Penalty for neglect.

An Act to incorporate the New England Chemical Laboratory.

Chap. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Daniel Jagger, Gardner Dickinson, Montgomery Newell, their associates and successors, are hereby made a corporation, by the name of the New England Chemical

Persons incorporated,

to manufacture
chemical prep-
arations and
gun cotton in
Westhampton.

Laboratory, for the purpose of manufacturing chemical preparations and gun-cotton in the town of Westhampton, county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$25,000, and
capital stock
\$100,000.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding, in value, twenty-five thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, Feb. 24, 1847.]

Chap. 34.

An Act to incorporate the Somerset Potters' Works.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. Leonard Chace, Benjamin G. Chace, Benjamin Cartwright, their associates and successors, are hereby made a corporation, by the name of the Somerset Potters' Works, for the purpose of manufacturing earthen ware, stone ware, fire brick, stove linings, black lead crucibles, and other articles of which clay and sand are the principal materials, in the town of Somerset, county of Bristol; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture
earthen and
stone ware, &c.
in Somerset.

Real estate not
to exceed
\$30,000, and
capital stock
\$60,000.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding, in value, thirty thousand dollars, and the whole capital stock shall not exceed sixty thousand dollars. [Approved by the Governor, Feb. 24, 1847.]

Chap. 35.

An Act to incorporate the Boston South Steam Cotton Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. George Mountfort, William B. Dorr, Joshua Jenkins, their associates and successors, are hereby made a corporation, by the name of the Boston South Steam Cotton Mill Company, for the purpose of manufacturing cotton goods in that part of the city of Boston called South Boston; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture
cotton goods in
South Boston.

Estate not to
exceed
\$300,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding, in amount, three hundred thousand dollars. [Approved by the Governor, Feb. 24, 1847.]

An Act to incorporate the Gloucester Mutual Fishing Insurance Company.

Chap. 36.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph I. Procter, Joseph Friend, Fitz E. Riggs, their associates and successors, are hereby made a corporation, by the name of the Gloucester Mutual Fishing Insurance Company, to be established in the town of Gloucester, for the purpose of making insurance against maritime losses on fishing vessels and their outfits, on the principle of a mutual company, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created, to continue for the term of twenty years.

Persons incorporated in Gloucester to insure vessels and their outfits for 20 years, on the mutual principle.

SECTION 2. No policy shall be issued until application shall be made for one hundred thousand dollars to be insured, and no division of any of the profits remaining in the hands of the company shall be made, so long as the company shall be held accountable for any policy issued by them. [*Approved by the Governor, March 3, 1847.*]

Restrictions on issuing policies and dividing profits.

An Act authorizing the Supreme Judicial Court to restrain the Abuses of Corporate Power by Cities and Towns in certain cases.

Chap. 37.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever any city or town shall have voted to raise by taxation, or by pledge of its credit, or to pay over, from moneys in its treasury, any sum or sums of money, for any other purpose, or purposes, than those for which it may have the legal right and power so to do, the Supreme Judicial Court shall have power, upon the suit, or petition, of any inhabitants, not less than ten, of such city, or town, liable to be taxed therein, briefly setting forth the cause of complaint, to hear, and finally determine in equity all such cases; and any justice of said court may, as well in vacation as in term time, issue an injunction, and make all such orders and decrees as may be necessary or proper to restrain or prevent any violation or abuse of said legal right and power of such city or town, until the final determination of such causes by the Supreme Judicial Court; and no order or decree of said court, or of any justice thereof, shall be discharged or invalidated on account of want of jurisdiction in said court or justice.

Power of Supreme Court in Equity to restrain towns from illegal expenses on petition, &c.

and of Justices thereof to issue injunctions, &c.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 3, 1847.*]

When to take effect.

Chap. 38. An Act to incorporate the Merrimack Steam Navigation Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated for 20
years,

to build, pur-
chase, and em-
ploy steam-
boats, &c., in
the harbor of
Newburyport,
and on the Mer-
rimack River.

Capital stock
not to exceed
\$50,000 in
shares of \$50.

SECTION 1. John Burrill, John Huse, and John N. Wills, with their associates and successors, are hereby made a corporation, by the name of the Merrimack Steam Navigation Company, with power to build, purchase, hold, convey, hire, and employ one or more steamboats, with such apparatus and appendages as may be found necessary for steam navigation and the transportation of merchandise and passengers, in and about the harbor of Newburyport and on the Merrimack River, for the term of twenty years.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each ; and, for the purpose of such steam navigation, this corporation shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 3, 1847.*]

Chap. 39. An Act to authorize Stephen Dillingham to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be
built in Fal-
mouth, &c.

Provided, &c.

Stephen Dillingham is hereby authorized to build and maintain a wharf, from land owned by him at West Falmouth Harbor, so called, in the town of Falmouth, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall, in no wise, affect the legal rights of any corporations or persons whatever. [*Approved by the Governor, March 3, 1847.*]

Chap. 40. An Act to regulate the Herring or Alewife Fishery in Chappaquonset Pond and Creek, in the Town of Tisbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fish committee
to be chosen in
March or April.

To serve under
oath.

Their duties.

SECTION 1. The inhabitants of the town of Tisbury, in the county of Dukes County, at their annual meeting in the month of March or April, shall choose one or more discreet persons as a fish committee, who shall be sworn to the faithful performance of their duty, and whose duty it shall be to regulate the herring or alewife fishery in Chappaquonset Pond and Creek, in said town ; to prescribe the time, manner, and place or places where said fish may be taken by the inhabitants of said town ; also, to remove any obstructions that may be in said creek, and to keep the

stream open for the passage of said fish from the Vineyard Sound, or sea, into Chappaquonset Pond, so that the inhabitants of said town may enjoy a free fishery.

SECTION 2. The fish committee, for the time being, shall post up, at three or more public places in said town, on or before the tenth day of March in each and every year, the regulations established by said committee respecting the fishery in Chappaquonset Pond and Creek.

Committee to give notice of their regulations.

SECTION 3. Any person who shall oppose or obstruct said committee in the performance of their duty, or shall obstruct said fish in their passage, or take or destroy any of said fish, at any time or place, except at such time and place as said committee shall direct, on conviction before any justice of the peace in the county of Dukes County, not an inhabitant of the town of Tisbury, shall forfeit and pay a fine, for each offence, not exceeding twenty dollars, one half to the use of the town, the other half to the person or persons giving the information.

Penalty for opposing committee, or taking, obstructing, or destroying fish.

SECTION 4. All persons, not otherwise disqualified, shall be taken to be competent and legal witnesses in any prosecution upon this act, they being inhabitants of the town of Tisbury notwithstanding.

Inhabitants may be witnesses.

SECTION 5. The selectmen of the town of Tisbury are hereby empowered to direct the fish committee to take and sell such part of the fish, taken in said creek, as shall be sufficient to pay all expenses that have accrued or may accrue in securing and preserving said fishery: *provided*, that the quantity or number so required shall not exceed one sixth part of all the fish taken by the inhabitants of said town, in any one year, at said fishery.

Selectmen may empower committee to take and sell fish to pay expenses, &c.

Provided, &c.

SECTION 6. If any damage is sustained by the owners of the land on which said fish are taken by the inhabitants of the town of Tisbury, the selectmen of said town shall pay a reasonable compensation therefor, when demanded. And in case of a refusal, by the selectmen, to pay a reasonable compensation, the same may be recovered by an action on the case against the said town of Tisbury.

Owners of land sustaining damage may recover from the town.

SECTION 7. No person shall take any herrings or alewives from the Vineyard Sound, or sea, within one mile of said Chappaquonset Creek, or make any new outlets from said Chappaquonset Pond, except it shall be done by a vote of the inhabitants of the town of Tisbury, at a legal meeting warned and held for that purpose.

Herrings, &c. not to be taken, nor outlets made, &c. except by vote of the town.

SECTION 8. Nothing in this act shall be so construed as to prevent the owners of the marsh or meadows from flowing or draining their meadows, through Chappaquonset Creek, whenever it can be done without obstructing the passage of the herrings or alewives to and from Chappaquonset Pond. And nothing in this act contained shall affect any suit now pending, or the legal rights of any person. [*Approved by the Governor, March 4, 1847.*]

Limitations of preceding provisions.

Chap. 41 An Act to repeal the Acts establishing a Ministerial Fund, in the South Parish in Reading.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Repeal of acts creating trustees, &c.

SECTION 1. The act passed on the fourteenth day of June, in the year one thousand eight hundred and twenty-three, entitled "An Act to establish a Fund for the Support of the Gospel Ministry, in the South Parish of the Town of Reading, in the County of Middlesex, and to appoint Trustees for the Management thereof," and the act in addition to an act, entitled "An Act to establish a Fund for the Support of the Gospel Ministry in the South Parish in the Town of Reading, in the County of Middlesex, and to appoint Trustees for the Management thereof," passed on the twelfth day of June, in the year one thousand eight hundred and twenty-four, are hereby repealed.

Treasurer of trustees to deliver property to treasurer of the South Parish, &c.

SECTION 2. It shall be the duty of the treasurer of the board of said trustees, to deliver to the treasurer of the south parish in Reading all notes, accounts, effects, obligations, and securities, in his possession at the time of the passage of this act, or which may come to his possession thereafter; and the treasurer of said parish is hereby authorized to demand and recover the same, and dispose thereof as directed by said parish: *provided, however*, that said parish shall devote said property exclusively to parochial purposes.

Provided, &c.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 4, 1847.*]

Chap. 42.

An Act to incorporate the American Unitarian Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Charles Briggs, Samuel K. Lothrop, Henry P. Fairbanks, their associates and successors, are hereby made a corporation, by the name of the American Unitarian Association, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and said corporation may hold real and personal estate to the value of fifty thousand dollars, to be devoted exclusively to the promotion of the interests of moral and religious instruction.

Estate not to exceed \$50,000, to be devoted exclusively, &c.

Donations, &c. heretofore made to the society, to belong to the corporation, and be appropriated, &c.

SECTION 2. All donations, devises and bequests of real and personal estate, which may heretofore have been made to the American Unitarian Association, or to the executive committee thereof, shall be and enure to the use and benefit of the corporation hereby created, to be appropriated, however, to the purposes designated in any such donation, devise, or bequest.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, March 4, 1847.] When to take effect.

An Act to continue in force An Act to incorporate the Plymouth Institution for Savings, and to change its name.

Chap. 43.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The act passed on the eleventh day of June, in the year one thousand eight hundred and twenty-eight, entitled "An Act to incorporate the Plymouth Institution for Savings," shall be and remain in force without limitation as to a term of time; and said institution shall be continued as a corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings.

Incorporation continued without limitation of time,

SECTION 2. From and after the eleventh day of June, in the year one thousand eight hundred and forty-eight, the corporate name of "Plymouth Institution for Savings" shall be changed, and the said corporation shall be known and called by the name of "Plymouth Savings Bank," any thing in this act, or in the act incorporating said institution, to the contrary notwithstanding.

under another name.

SECTION 3. Said institution is authorized to hold real estate to an amount not exceeding ten thousand dollars. [Approved by the Governor, March 4, 1847.]

Real estate not to exceed \$10,000.

An Act authorizing Ebenezer H. Stacy and others to extend their Wharf.

Chap. 44.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Ebenezer H. Stacy, Eli F. Stacy, Frederick G. Low, and Frederick G. Low, Jr., are hereby authorized to extend and maintain their wharf, at Duncan's Point, in the town of Gloucester, in the county of Essex, into the harbor of said town of Gloucester, in a southeasterly direction, to a distance not exceeding one hundred and twenty-eight feet, covering Harbor Rock, so called, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor, *provided* that this grant shall not, in any manner, interfere with the legal rights of any person or persons whatever. [Approved by the Governor, March 5, 1847.]

Wharf in Gloucester may be extended not exceeding 128 feet, &c.

Provided, &c.

Chap. 45.

An Act to incorporate the Gloucester Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Gloucester to insure marine risks for 20 years.

SECTION 1. George H. Rogers, Epes Sayward, and Samuel Giles, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Gloucester Marine Insurance Company, to be established in the town of Gloucester, in the county of Essex, for the purpose of making maritime loans and insurance against maritime losses, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as they are applicable to the corporation hereby created.

Capital to consist of \$50,000, in shares of \$100, and may be increased to \$100,000.

SECTION 2. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of one hundred dollars, with liberty to increase said capital stock to one hundred thousand dollars.

Not more than 8 per cent. of capital stock to be taken on one risk.

SECTION 3. Said company shall not take, on any one risk, more than eight per cent. of their capital stock. [*Approved by the Governor, March 5, 1847.*]

Chap. 46.

An Act to incorporate the Lee Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Asa G. Welch, William Porter, Jr., and Lewis Beach, their associates and successors, are hereby made a corporation, by the name of the Lee Academy, to be established in Lee, in the county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate to be \$15,000, and to be devoted, &c.

SECTION 2. Said corporation may hold real and personal estate to the value of fifteen thousand dollars, to be devoted exclusively to purposes of education. [*Approved by the Governor, March 6, 1847.*]

Chap. 47.

An Act to incorporate the Quaboag Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. John Moore, Nathan Richardson, Nathan M. Cutler, their associates and successors, are hereby made a corporation, by the name of the Quaboag Manufacturing Company, for the purpose of manufacturing cotton and woolen goods and machinery, in the town of Warren, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set

to manufacture cotton and woolen goods and machinery in Warren.

forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding, in value, two hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars. [*Approved by the Governor, March 6, 1847.*]

Real estate not to exceed \$200,000, and capital stock \$300,000.

An Act to incorporate the Lowell Chemical Company.

Chap. 48.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John M. Ordway, John L. Ordway, John A. Buttrick, their associates and successors, are hereby made a corporation, by the name of the Lowell Chemical Company, for the purpose of manufacturing Paris green and other chemical preparations, in the city of Lowell, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes; *provided* that the city council of the city of Lowell shall first give their consent to the location of such works within the limits of said city.

Persons incorporated,

to manufacture Paris green, &c. in Lowell.

Provided, &c.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding, in amount, one hundred thousand dollars. [*Approved by the Governor, March 6, 1847.*]

Estate not to exceed \$100,000.

An Act to authorize Phineas Drew to extend his Wharf.

Chap. 49.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Phineas Drew is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land at Nahant, into the bay in front of said Nahant, in Lynn, in the county of Essex, one hundred and fifty feet; and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor; *provided* this grant shall not, in any manner, interfere with the legal rights of any persons whatever. [*Approved by the Governor, March 6, 1847.*]

Wharf at Nahant may be extended, &c.

Provided, &c.

An Act to incorporate the Ward Manufacturing Company.

Chap. 50.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Frederick A. Barton, Timothy W. Carter, Addison Ware, their associates and successors, are hereby made a corporation, by the name of the Ward Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Springfield, county of Hampden, with

Persons incorporated,

to manufacture cotton goods in Springfield.

all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not
to exceed
\$300,000, and
capital stock
\$1,000,000.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate, not exceeding in value three hundred thousand dollars, and the whole capital stock shall not exceed one million of dollars. [*Approved by the Governor, March 6, 1847.*]

Chap. 51.

An Act to regulate the Keeping of Gun-Cotton and other like Substances.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Towns, &c.
may order gun-
cotton, &c. to
be kept under
regulations like
gunpowder, &c.

The inhabitants of any town, and the government of any city in this Commonwealth, may order that no gun-cotton, or other substance prepared, like it, for explosion, shall be kept within the limits of such town or city, excepting under the regulations and penalties that are now applicable by law to gunpowder ; and, if it shall be considered necessary for public safety, they may restrict the quantity to be so kept to one fifth of the weight of gunpowder allowed by law in each case provided for. [*Approved by the Governor, March 6, 1847.*]

Chap. 52.

An Act to increase the Capital Stock of the Lowell Bleachery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock
may be increas-
ed by \$150,000,
and may be
invested in real
estate.

The Lowell Bleachery are hereby authorized to increase their capital stock by adding thereto one hundred and fifty thousand dollars, and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which they have been incorporated. [*Approved by the Governor, March 6, 1847.*]

Chap. 53.

An Act to incorporate the Massachusetts Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to work and
manufacture
iron in South
Boston.

SECTION 1. Horace Gray, Benjamin T. Reed, Samuel Hooper, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Iron Company, for the purpose of working and manufacturing iron, in that part of the city of Boston known as South Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to
exceed
\$500,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding, in amount, five hundred thousand dollars. [*Approved by the Governor, March 6, 1847.*]

An Act to authorize Addison Gage and others to extend their Wharf, in Charlestown, called Swett's Wharf. **Chap. 54.**

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Addison Gage, Jacob Hittinger, Timothy T. Sawyer, and Thomas H. Frothingham, are hereby authorized to extend their wharf, in the town of Charlestown, to the line established by the "Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided* that so much of said wharf as shall extend below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet, in the direction of the stream, and eight feet in a transverse direction, and that the provisions of this act shall in no wise affect the legal rights of any persons whatever. [Approved by the Governor, March 6, 1847.]

May be extended to the line, &c.

Provided, &c.

An Act to incorporate the Glendale Woolen Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel C. Buel, Lewis Beach, James H. Royce, their associates and successors, are hereby made a corporation, by the name of the Glendale Woolen Company, for the purpose of manufacturing cotton and woolen goods, and dyeing and printing, in the town of Stockbridge, county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton and woolen goods, and dye and print, in Stockbridge.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate, not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed two hundred and fifty thousand dollars. [Approved by the Governor, March 6, 1847.]

Real estate not to exceed \$100,000, and capital stock \$250,000.

An Act to establish the Appleton Bank in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Isaac Farrington, J. B. French, and Jonathan Tyler, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company, of the Appleton Bank, to be established in Lowell, in the county of Middlesex, and shall so continue until the first day of October, which shall be in the year one thousand eight hundred and fifty-one, with all the

Chap. 56.

Persons incorporated as bankers in Lowell, till October 1, 1851.

powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Stock transferable at banking house, &c.

SECTION 2. The stock in said bank shall be transferred only at its banking house, and in its books.

Capital to consist of \$100,000, in shares of \$100, &c.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided* the whole be paid in on or before the first day of January next. [Approved by the Governor, March 6, 1847.]

Provided, &c.

Chap. 57.

An Act to incorporate the Samoset Steam Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated,

SECTION 1. Isaac L. Hedge, Joseph Cushman, William M. Jackson, their associates and successors, are hereby made a corporation, by the name of the Samoset Steam Mills, for the purpose of manufacturing cotton goods in the town of Plymouth, county of Plymouth, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$100,000, and capital stock \$300,000.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars. [Approved by the Governor, March 6, 1847.]

Chap. 58.

An Act to authorize Parker Cook to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Provincetown may be extended to low-water mark, &c.

Parker Cook is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land in Provincetown, into the harbor of Provincetown, to low-water mark at the lowest tides, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, this grant shall not in any manner interfere with the legal rights of any persons whatever. [Approved by the Governor, March 6, 1847.]

Provided, &c.

Chap. 59.

An Act relating to the Salaries of the Watchmen of the State Prison.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Annual salaries to be \$550 each, after April 1, 1847.

From and after the first day of April, in the year one thousand eight hundred and forty-seven, the salary of each

of the watchmen of the State Prison shall be five hundred and fifty dollars per annum, payable quarterly. [*Approved by the Governor, March 6, 1847.*]

An Act to establish the City of New Bedford.

Chap. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the town of New Bedford shall continue to be a body politic and corporate, under the name of the City of New Bedford ; and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said town as a municipal corporation.

New Bedford to be a city.

SECTION 2. The administration of the fiscal, prudential, and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor ; one council of six, to be denominated the board of aldermen ; and one council of twenty-four, to be denominated the common council ;—which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services. All the powers now vested, by law, in the town of New Bedford, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council, composed as provided in this section, and shall be exercised by concurrent vote, each board having a negative on the other.

Administration, &c. to be vested in a mayor, 6 aldermen, and 24 common council men, &c.

who jointly shall constitute city council, and serve under oath.

Boards to serve without compensation.

Powers of town or inhabitants transferred to city council.

SECTION 3. It shall be the duty of the selectmen of the town of New Bedford, as soon as may be after the passage of this act and its acceptance by the inhabitants, as herein-after provided, to divide said town into six wards, to contain, as nearly as conveniently may be, an equal number of inhabitants ; which proceedings of the selectmen shall be subject to the revision of the city council, within one year after the passage of this act. And it shall be the duty of the city council, once in five years, and not oftener, to revise, and, if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward.

Selectmen to divide the town into 6 wards, &c. subject to revision by city council, &c.

Arrangement thereof to be revised every five years by the city council.

SECTION 4. On the first Monday of March, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others have been chosen in their places and qualified to act.

Election, qualifications, and duties, of wardens,

It shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if, at any such meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden, *pro tempore*, shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk, *pro tempore*, shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol. A certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof. All warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned at such time, and in such manner, as the city council may, by any by-law, direct.

clerks,

and inspectors
of elections.To serve under
oath, &c.Warrants for
ward and city
meetings.Election and
term of office
of mayor, alder-
men, and com-
mon council
men.Proceedings
at and after
meetings for
elections of
mayor, &c.

SECTION 5. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and four common council men shall be elected from and by the voters of each ward, being residents in the wards when elected. All said officers shall be chosen by ballot. The aldermen and common council men shall hold their offices for one year from the first Monday in April, and the mayor until another shall be elected and qualified in his place.

SECTION 6. On the first Monday in March, annually, immediately after a warden, clerk, and inspectors shall have been elected and sworn, the qualified voters in each ward shall give in their votes for mayor, aldermen, and common council men, as provided in the preceding section: all the votes so given shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of

such election, certified in like manner: *provided, however,* that, if the choice of members of the common council shall not be effected on that day, the meeting may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue its warrants for a new election, and the same proceedings shall be had, in all respects, as are hereinbefore provided for the choice of mayor, and repeated, from time to time, until a mayor shall be chosen.

Provided, &c.

Notification to mayor.

Proceedings in case of failure to elect a mayor, or of refusal to serve.

In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the boards of aldermen and common council shall, respectively, by vote, declare that a vacancy exists and the cause thereof; whereupon, the two boards shall meet in convention and elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability, causing the vacancy, shall be removed, or until a new election.

Proceedings to supply vacancy in the office of mayor,

If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore provided in regard to the office of mayor. Each alderman shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

and of aldermen.

Notification to aldermen.

The oaths prescribed by this act may be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol.

Administration and record of oaths of office.

The aldermen and common council men elect shall, on the first Monday of April, at 10 o'clock in the forenoon, meet in convention, when the oath required by the act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Bristol, and a certificate, setting forth that such oath has been taken, shall be entered, in the journal of the mayor and aldermen and of the common council, by their respective clerks.

Whenever it shall appear that a mayor has not been elected previously to the said first Monday of April, the mayor and aldermen, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention, to be held, as aforesaid, on the first Monday of April.

Record, &c. in case of failure to choose a mayor.

After the oaths have been administered, as aforesaid, the two boards shall separate; and the common council shall be organized by the choice of a president and a clerk, to hold their offices during the pleasure of the common council, the

Organization of common council.

clerk to be under oath faithfully to perform the duties of his office.

Proceedings in case of absence of the mayor or members of the city council elect.

In case of the absence of the mayor elect on the first Monday of April, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may, at any time thereafter, in convention of the two branches, be administered to the mayor, and any member of the city council who may have been absent at the organization.

Mayor *pro tempore*.

In the absence of the mayor, the board of aldermen may choose a presiding officer *pro tempore*, who shall also preside at joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members; and, in case of failure of election, or in case of vacancy, declared by either board, the mayor and aldermen shall issue their warrants for a new election.

Records, determination of elections, &c.

Duties of mayor.

SECTION 7. The mayor shall be the chief executive officer of the city. It shall be his duty to be vigilant and active in causing the laws to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination.

He may call special meetings of the boards of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures, as the business and interests of the city may, in his opinion, require.

He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only.

Compensation.

The salary of the mayor, for the first year in which this charter shall take effect, shall be eight hundred dollars and no more.

After the first year, the salary of the mayor shall be determined by the city council, and payable at stated periods; but shall not, at any time, exceed eight hundred dollars, and he shall have no other compensation; but such compensation shall not be increased or diminished during the year for which he is chosen.

Executive powers of selectmen transferred to mayor and almen.

SECTION 8. The executive power of said city, generally, and the administration of police, with all the powers heretofore vested in the selectmen of New Bedford, shall be

vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.

The mayor and aldermen may require any person, who may be appointed a marshal or constable of the city, to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Power of mayor, &c. in respect to requiring bonds, &c.

The mayor and aldermen shall have full power to grant licenses to innholders, victuallers, and retailers, within the city, in as full and ample a manner as the mayor and aldermen of the city of Boston, by virtue of the laws of the Commonwealth.

and to licenses.

The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city clerk, a city treasurer, and collector of taxes, and firewards, and shall, in such manner as the city council shall determine by any by-law made for the purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and compensations, in cases wherein such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. And the city council shall, in like manner, elect a constable and assistant constable, or a city marshal and assistants, with the powers and duties of constables, and all other needful police officers; *provided, however,* that no person shall be chosen a marshal or constable, or to any other office in the police of the city, who shall not have been nominated to the city council by the mayor.

City council to appoint, &c. certain officers.

Provided, &c.

All sittings of the mayor and aldermen, of the city council and common council, shall be public when they are not engaged in executive business.

Sittings to be public, *provided, &c.*

The city council shall take care that no moneys be paid from the treasury, unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalties and sureties, from all persons entrusted with the receipt, custody, or disbursement of money; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let or sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may, in their judgment, require it. The city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a detailed account of the receipts and expenditures, and a schedule of city property and the city debts.

Safe keeping, &c. of city property.

Publication of receipts and expenditures, &c.

SECTION 9. No person shall be eligible to any office, the salary of which is payable out of the city treasury, who, at

Aldermen and common council men to be in-

eligible to any
salaried office
under the city
government.

the time of his appointment, shall be a member either of the board of aldermen or common council; and no member of either of these boards shall hold any other office under the city government.

Duties, &c. of
city clerk.

SECTION 10. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of New Bedford. He shall be chosen for one year, and until another is chosen and qualified in his place, but may be, at any time, removed by the city council.

He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record-books, papers, documents, or other things, held by him in his capacity of city clerk.

Overseers of
the poor.

SECTION 11. The qualified voters, at their respective annual ward-meetings, to be held on the first Monday of March, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen shall, with the mayor of the city, together constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of New Bedford.

School Com-
mittee.

And the qualified voters shall, at the same time and in like manner, elect three persons in each ward, who shall be residents of the ward, to be members of the school committee; and the persons so chosen shall constitute the school committee, and have the care and superintendence of the public schools.

Assessors.

And the qualified voters shall, at the same time and in like manner, elect one person in each ward, who shall be a resident of the ward, to be an assessor; and the persons thus chosen assessors in the several wards shall constitute the board of assessors, and shall exercise the powers, and be subject to the duties and liabilities, of assessors of towns.

Assistant as-
sessors.

An assistant assessor for each ward, who shall be a resident of the ward, may be chosen, in the same manner as is herein provided for the choice of assessor, when the city council shall so order; which assistant assessors shall be sworn to the faithful performance of their duties. All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Provided, &c.

Proceedings in
case of failure
to elect.

In case it should be found inconvenient to complete the election, in any ward, of the overseers of the poor, school committee, assessor, or assistant assessors, on the day of the

annual ward meeting, said meeting shall be adjourned, from time to time, until the elections shall be completed.

SECTION 12. The city council shall have the same power in relation to the laying out, acceptance, altering, or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now by law have; but all petitions and questions relating to laying out, widening, altering, or discontinuing any street or way, shall be first acted on by the mayor and aldermen.

Powers of city council, and mayor and aldermen, in respect to streets and ways.

Any person aggrieved by any proceedings of the mayor and aldermen, or city council, in the exercise of such powers, shall have the same right of appeal, to the county commissioners of the county of Bristol, as are given by the laws of the Commonwealth to appeal from the decision of selectmen or the inhabitants of towns.

Appeals for damages.

SECTION 13. All the power and authority now, by law, vested in the board of health for the town of New Bedford, shall be transferred to, and vested in, the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may deem expedient.

Health officers.

SECTION 14. The city council shall have authority to cause drains and common sewers to be laid down through any street or private lands, paying the owners such damage as they may sustain thereby; and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drains or common sewers; and may make by-laws with suitable penalties for the inspection, survey, admeasurement, and sale of wood, coal, and bark, brought into the city for sale.

Power of city council in respect to drains and common sewers.

SECTION 15. The police court of the town of New Bedford, in addition to its present powers and jurisdiction, which are hereby continued to it, shall have cognizance of all offences against the by-laws and regulations which may be established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as to law and justice may appertain.

Powers of police court.

Any person aggrieved by such sentence may make appeal therefrom to the court of common pleas for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

Right of appeal.

In all prosecutions by complaint before the said police court, founded on the special acts of the Legislature, or the ordinances and by-laws of the city of New Bedford, it shall be sufficient to set forth, in such complaint, the offence fully and plainly, substantially and formally; and, in such complaint, it shall not be necessary to set forth such special act, by-law, or ordinance, or any part thereof; and the provisions of this section, with regard to such prosecutions, shall also apply to all prosecutions founded on the by-laws

Form of complaint.

or ordinances of the town of New Bedford, which may remain in force after this act shall go into operation.

Duty of city council to determine number of representatives in General Court, &c.

SECTION 16. It shall be the duty of the city council, in the month of October, annually, to meet in convention, and determine the number of representatives to be elected to the General Court by the city in such year, and to publish such determination, which shall be conclusive; and the number, thus determined, shall be specified in the warrant calling meetings for the election of representatives.

Proceedings at and after meetings for election of County, State, and Federal officers.

SECTION 17. All elections for county, State, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and, at such meetings, all the votes given for said several officers respectively shall be assorted, counted, declared, and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

In all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

Lists of voters to be prepared by the mayor and aldermen, &c.

SECTION 18. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and be empowered to call for the assistance of all assessors, assistant assessors, and other city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list; and, in relation to the preparation, posting, and correction of such lists, the mayor and aldermen shall perform the same duties, and be governed by the same regulations, as are provided in the third chapter of the Revised Statutes, to be observed by the selectmen of towns: *provided, however, that a list of*

Provided, &c.

the voters of each ward shall be posted up in one or more public places in such ward: and *provided, further*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter, before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered.

SECTION 19. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to instruct representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of the Commonwealth; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters.

Meetings of the citizens.

SECTION 20. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of New Bedford, for the time being, shall, on some day during the months of March or April of the present year, issue their warrants, seven days at least previous to the day so appointed, calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of the act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward, at said first meeting, shall be returned to the said selectmen, whose duty it shall be to examine and compare the same; and, in case such elections should not be completed at the first meeting, then to issue new warrants until such election shall be completed, and to give notice thereof, in manner before provided, to the several persons elected.

First organization of city government.

At said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And, at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided.

The selectmen shall appoint such time for the first meeting of the city council as they may judge proper, after the choice of the city officers, as aforesaid, or a majority of the members of both branches, not later than the first Monday in May, in the year one thousand eight hundred and forty-seven, and shall also fix upon the place and the hour of

said first meeting; and notice of the day, hour, and place of said first meeting shall be published in one or more newspapers printed in said town, and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers chosen as provided in this section.

Subsequent organizations. After the first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

Appointment of city officers by city council. It shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

Votes for county officers. At the meetings, to be called as provided in this section, for the choice of ward and city officers, the qualified voters may and shall also give in their votes for county officers, which votes shall be recorded, certified, and returned, in the manner provided in the seventeenth section of this act.

Power of city council to make by-laws with penalties, &c. SECTION 21. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court or other authority whatever; and all such by-laws, and all city ordinances, shall be duly published in such newspaper, or newspapers, as the city council shall direct: *provided, however*, that all by-laws, regulations, and ordinances, now in force in the town of New Bedford, shall, until they shall expire by their own limitations, or be revised or repealed by the city council, remain in force; and all fines and forfeitures for the breach of any by-law or ordinance of the city shall be paid into the city treasury.

Annual town meeting suspended, &c. and town officers to hold over, &c. Proceedings in case of non-acceptance of this charter. SECTION 22. The annual town meeting for the town of New Bedford, which, by law, is to be held in the month of February, March, or April, is hereby suspended, and all town officers, now in office, shall hold their respective places until this act shall go into operation; and, in case this charter shall not be accepted in the manner and form as herein-after provided, then the selectmen shall issue their warrants, according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

Delivery of records, &c. to city clerk. SECTION 23. All officers of the town of New Bedford, having the care and custody of any records, papers, or other property, belonging to said town, shall deliver the

same to the city clerk, within one week after he shall enter upon the duties of his office.

SECTION 24. All such acts and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent provisions.

SECTION 25. Nothing contained in this act shall be so construed as to prevent the Legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter and amend this act.

SECTION 26. This act shall be void, unless the inhabitants of the town of New Bedford, at a legal town meeting called for that purpose, shall, by a vote of a majority of the voters present, and voting thereon, by a written ballot, determine to adopt the same within twenty days from and after its passage, at which meeting the polls shall be kept open not less than six hours, and the presiding officer, in receiving said ballots, shall use the check lists, in the same manner as they are used in elections for state officers.

Act to be void unless accepted by inhabitants, &c.

SECTION 27. This act shall go into operation from and after its passage. [*Approved by the Governor, March 9, 1847.*]

When to take effect.

An Act to establish the Salary of the Clerk in the Office of the Adjutant and Quarter-Master General of the Commonwealth.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of January, in the year one thousand eight hundred and forty-seven, the clerk in the office of the adjutant and quarter-master general of the Commonwealth shall receive a salary of nine hundred dollars a year, to be paid quarterly, which said sum shall be in full for all services rendered in said office. [*Approved by the Governor, March 10, 1847.*]

Annual salary to be \$900, after January 1, 1847.

An Act to incorporate the Holmes Mills.

Chap. 62.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Stephen Coburn, A. D. Wait, A. H. Wildes, their associates and successors, are hereby made a corporation, by the name of the Holmes Mills, for the purpose of manufacturing cotton goods, in the town of Ipswich, in the county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton goods, in Ipswich.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate, not exceeding in value one hundred thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars. [*Approved by the Governor, March 10, 1847.*]

Real estate not to exceed \$100,000, and capital stock \$300,000.

Chap. 63.

An Act to incorporate the Ballard Vale Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
machinery,
steam-engines,
&c. in Ando-
ver.

Estate not to
exceed
\$100,000.

SECTION 1. Increase S. Hill, John Marland, John Howe, Jr., their associates and successors, are hereby made a corporation, by the name of the Ballard Vale Machine Shop, for the purpose of manufacturing machinery, steam-engines, and all work connected with this branch of business, in the town of Andover, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, March 11, 1847.]

Chap. 64.

An Act to incorporate the Glendon Rolling Mill.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
iron and steel in
South Boston.

Estate not to
exceed \$500,-
000.

SECTION 1. Charles Jackson, Jr., Waldo Higginson, Benjamin E. Morse, their associates and successors, are hereby made a corporation, by the name of the Glendon Rolling Mill, for the purpose of manufacturing iron and steel in that part of the city of Boston known as South Boston, or in that part of said city known as East Boston, or in the town of Chelsea, county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount five hundred thousand dollars. [Approved by the Governor, March 11, 1847.]

Chap. 65.

An Act to incorporate the Lawrence Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated to in-
sure fire risks in
Roxbury for 28
years, on the
mutual princi-
ple.

Charles Stark Newell, Timothy Osgood, Amos Merrill, their associates and successors, are hereby made a corporation, by the name of the Lawrence Mutual Fire Insurance Company, in the town of Methuen, county of Essex, for the term of twenty-eight years, for the purpose of insuring dwelling-houses, and other buildings, and personal property, throughout the Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-

seventh and forty-fourth chapters of the Revised Statutes, and seventeenth chapter of the Acts of the year one thousand eight hundred and forty-five. [*Approved by the Governor, March 11, 1847.*]

An Act authorizing Seth Nickerson, second, to build a Wharf.

Chap. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Seth Nickerson, second, is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided* this grant shall in no wise impair the legal rights of any persons whatever. [*Approved by the Governor, March 11, 1847.*]

Wharf may be built in Provincetown, &c.

Provided, &c.

An Act to incorporate the Salem Gas-Light Company.

Chap. 67.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph S. Leavitt, William H. Foster, William Sutton, their associates and successors, are hereby made a corporation, by the name of the Salem Gas-Light Company, for the purpose of manufacturing and selling gas in the city of Salem, county of Essex ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture and sell gas in Salem.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars.

Real estate not to exceed \$50,000, and capital stock \$200,000.

SECTION 3. Said corporation, with the consent of the mayor and aldermen of the city of Salem, shall have power and authority to open the ground in any part of the streets, lanes, and highways in said city, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid ; and the said corporation, after opening the ground in said streets, lanes, and highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said mayor and aldermen, for the time being, shall, at all times, have the power to regulate, restrict, and control the acts and doings of said corporation, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said city. [*Approved by the Governor, March 11, 1847.*]

May open the ground in streets, &c. to lay and repair pipes, with consent of the mayor and aldermen.

Provided, &c.

Chap. 68. An Act to incorporate the Adelphian Academy of North Bridgewater.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Silas L. Loomis, L. F. C. Loomis, Nathan Jones, and their associates and successors, are hereby made a corporation, by the name of the Adelphian Academy, to be established in the town of North Bridgewater, in the county of Plymouth ; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to
exceed \$15,000,
to be devoted,
&c.

SECTION 2. Said corporation may hold real estate to the amount of fifteen thousand dollars, and personal estate to the amount of ten thousand dollars, to be exclusively devoted to the purposes of education. [*Approved by the Governor, March 11, 1847.*]

Chap. 69. An Act relating to Agricultural Societies.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Certificate, &c.
to be returned
to the Secreta-
ry as early as
Jan. 10th, an-
nually.

SECTION 1. Every Agricultural Society which shall claim the bounty of the Commonwealth, according to the provisions of the first section of the forty-second chapter of the Revised Statutes, shall, annually, on or before the tenth day of January, file in the office of the Secretary of the Commonwealth, a certificate, signed by the president and treasurer of such society, specifying, under oath, the sum actually contributed and put at interest, and then held, well secured as a capital stock.

Also, a return of
doings, &c.

Every such society shall, at the same time, make a full return of its doings, signed by its president and secretary, embracing a statement of the expenditure of all moneys, specifying the nature of the encouragement proposed by the society, the object for which its premiums have been offered, and to whom they have been awarded, and including all reports of committees, and all statements of experiments and cultivation, regarded by said president and secretary as worthy of publication. The return, whether in printed or manuscript form, shall be marked in such manner, that those passages in the several reports and statements deemed by such officers most worthy of public notice, study, and application, may be easily distinguished.

with passages,
&c. marked.

Bounty to be
ascertained
from certifi-
cates.

SECTION 2. The amount of bounty to which any Agricultural Society may be entitled for the year one thousand eight hundred and forty-seven shall be ascertained by the certificate to be filed in the month of October, according to the provisions of law as heretofore existing ; and for the year one thousand eight hundred and forty-eight, and each year thereafter, by the certificate previously filed by such society, according to the provisions of this act.

SECTION 3. Any Agricultural Society which shall neglect, in any year, to comply with the foregoing provisions, shall forfeit its claim to the bounty of the Commonwealth the year next succeeding.

Forfeiture of Commonwealth's bounty.

SECTION 4. The Secretary of the Commonwealth is hereby directed to cause to be made and published, in each year, for distribution, as full an abstract as, in his judgment, will be useful, from the returns aforesaid of the Agricultural Societies.

Secretary to publish annual abstract of returns.

SECTION 5. Any person, who shall incur the forfeiture mentioned in the ninth section of the forty-second chapter of the Revised Statutes, may be prosecuted, by complaint before any justice of the peace, who shall have jurisdiction thereof; and all forfeitures so recovered shall be, by said justice of the peace, paid over to the county treasurer, for the use of the county.

Forfeitures for trespass on grounds enclosed for cattle-shows, &c.

SECTION 6. The Secretary of the Commonwealth is hereby directed to transmit a copy of this act to the secretary of every incorporated Agricultural Society in the Commonwealth, on or before the first day of September next.

Copy of this act to be transmitted, &c.

SECTION 7. The thirty-first chapter of the acts of the year eighteen hundred and forty-two, also, the one hundred and eleventh chapter of the acts of the year one thousand eight hundred and forty-five, and all parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, March 11, 1847.*]

Repeal of inconsistent provisions.

An Act authorizing the Boston and Maine Rail-road Company, and the Eastern Rail-road Company, to contract with the Portland, Saco, and Portsmouth Rail-road Company

Chap. 70.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston and Maine Rail-road Company, and the Eastern Rail-road Company, are hereby authorized to make any contract or contracts with the Portland, Saco, and Portsmouth Rail-road Company, a corporation created by the act or laws of the State of Maine for the use and maintenance of the rail-road and property of the said corporation last mentioned, upon such terms and conditions as may be mutually agreed upon by the contracting parties; and for the transportation of persons and freight upon and over the same rail-road, in the same manner, and under the same provisions, as are contained in the ninety-ninth chapter of the acts of the year one thousand eight hundred and thirty-eight. [*Approved by the Governor, March 11, 1847.*]

Contracts may be made agreeably to provisions, &c.

Chap. 71. An Act authorizing George Randall and John C. Haskell to extend a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

George Randall and John C. Haskell are hereby authorized to extend and maintain a wharf on their land and flats, in that part of Boston, in the county of Suffolk, called East Boston, and bounded easterly by Border street, as far as the line established as the commissioners' line, by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and to lay vessels at the end and sides of their said wharf, extended as aforesaid, and receive dockage and wharfage therefor, but not to interfere with or injure the legal rights or the property of any other person or persons; *provided, however*, that this act shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; and *provided*, also, that so much of said wharf as shall be erected below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction. [*Approved by the Governor, March 11, 1847.*]

Provided, &c.

Chap. 72. An Act to incorporate the Annisquam Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated to insure fire risks in Gloucester for 28 years, on the mutual principle.

SECTION 1. Timothy A. Smith, William L. Langsford, and Michael Duley, their associates and successors, are hereby made a corporation, by the name of the Annisquam Mutual Fire Insurance Company, in Gloucester, in the county of Essex, for the term of twenty-eight years, for the purpose of insuring upon dwelling-houses and other buildings, and on personal property, in the towns of Gloucester, Rockport, and Essex, with all the powers and privileges, and subject to all the liabilities, duties, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in any subsequent laws, so far as they are applicable to this corporation.

Corporation may insure for six years.

SECTION 2. When the sum of twenty-five thousand dollars shall be subscribed to be insured, the said corporation may insure for a term not exceeding six years. [*Approved by the Governor, March 11, 1847.*]

An Act to continue in force an Act incorporating the Worcester Mutual Fire Insurance Company. *Chap. 73.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Worcester Mutual Fire Insurance Company, incorporated in the year one thousand eight hundred and twenty-three, shall continue as a body corporate, and the act incorporating the same, together with an additional act, passed in the year one thousand eight hundred and twenty-four, and a second additional act, passed in the year one thousand eight hundred and forty-two, shall all remain in force for the term of twenty-eight years from the eleventh day of February, in the year one thousand eight hundred and fifty-one; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 11, 1847.*]

Incorporation continued to February 11, 1879.

An Act to incorporate the Fall River Marine Insurance Company.

Chap. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Nathan Durfee, Leander Borden, Joseph Durfee, their associates and successors, are hereby made a corporation, by the name of the Fall River Marine Insurance Company, for the term of twenty years, to be established in the town of Fall River, county of Bristol, for the purpose of making marine loans and insurance against maritime losses, in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the thirty-fifth and one hundred and seventy-eighth chapters of the acts of the year one thousand eight hundred and thirty-eight.

Persons incorporated in Fall River, to insure marine risks.

SECTION 2. Said corporation may hold any estate, real or personal, for the use of said company: *provided*, that the real estate shall not exceed the value of thirty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due said company.

Real estate not to exceed \$30,000.

SECTION 3. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such penalties, as the president and directors of said company shall direct. [*Approved by the Governor, March 11, 1847.*]

Capital stock \$100,000, in shares of \$100.

Chap. 75. An Act authorizing Benjamin W. Miller to plant Oysters in Taunton Great River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant,
grow, and dig
oysters in Fall
River, &c.

SECTION 1. Benjamin W. Miller, of Fall River, in the county of Bristol, his heirs and assigns, are hereby authorized to plant, grow, propagate, and dig oysters, in the waters and flats of Taunton Great River, in front and westerly of said Miller's land, in said town of Fall River, from high-water mark to the channel at a place called Miller's Cove : said Miller's land is bounded southerly by land of Job Terry ; northerly by land of Durfee Landing, so called ; easterly by Taunton road, and westerly by Taunton Great River ; also, from high-water mark to the channel of said river in front and westerly of land owned by Johanna Collins, Thomas Durfee, and Jelane Winslow, situated in said Fall River at Miller's Cove, so called, and bounded easterly by the Taunton road ; southerly by land of Sarah Boomer, and the Durfee Landing, so called ; northerly by land of Joseph Davis, and westerly by Taunton Great River.

Penalty for
planting, dig-
ging, &c. with-
in 20 years,
without permis-
sion of said
Miller, &c.

SECTION 2. Said Miller, his heirs and assigns, shall have the exclusive use of said waters and flats, from high-water mark to the channel of said river, as defined, for the purpose of planting, growing, propagating, and digging oysters, for the term of twenty years ; and, if any person shall, within said limits, dig from or take any oysters during said term, without license from said Miller, his heirs, or assigns, he shall forfeit and pay a fine not exceeding twenty dollars for each offence, to be recovered by said Miller, his heirs, or assigns, in any court proper to try the same.

Reservation of
rights of owners
of land.

SECTION 3. Nothing in this act shall be so construed, as to infringe upon the rights of any owner of land, on which said oysters are planted by said Miller, his heirs, or assigns. [Approved by the Governor, March 12, 1847.]

Chap. 76. An Act authorizing the County Commissioners for the County of Barnstable to lay out a Highway and construct a Bridge across Scorton Creek.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of
highway and
bridge.

The county commissioners for the county of Barnstable are hereby empowered, if in their opinion the public necessity and convenience require it, to lay out a highway, and cause to be constructed a sufficient bridge, to be built in such manner as they may think proper, across Scorton Creek, in Sandwich, at such place as, in their opinion, may seem most convenient and expedient for the public travel ; and said commissioners, in carrying into effect the provi-

sions of this act, shall, in all respects, conform to the existing laws relating to laying out common highways. [*Approved by the Governor, March 12, 1847.*]

An Act in addition to an Act to revive "An Act establishing the Salisbury Branch Rail-road Company." Chap. 77.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

If the Salisbury Branch Rail-road Company shall complete the grading of said road on or before the first day of June next, the act to which this is in addition shall be and remain in full force. [*Approved by the Governor, March 12, 1847.*]

Time for grading of road extended to June 1, 1847.

An Act to establish the Line between Mount Washington and Boston Corner. Chap. 78.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The following described line shall hereafter be the dividing line between the town of Mount Washington and the district of Boston Corner, in the county of Berkshire, to wit: The south corner of Boston Corner shall be at a large heap of stones known as the southwest corner of the Proprietors' Grant, on the Massachusetts State line, and what is called the north line of the *oblong*, one hundred and sixty rods west of the monument at the northwest corner of the State of Connecticut; thence north, eight degrees west, two miles and forty-eight chains, to the line between the States of Massachusetts and New York, at a stone monument on the mountain called and known as the Alander mountain. [*Approved by the Governor, March 12, 1847.*]

Commencement and direction of dividing line.

An Act to incorporate the Wareham Savings Bank.

Chap. 79.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Harrison G. O. Ellis, Alexander Bourne, Theophilus King, their associates and successors, are hereby made a corporation, by the name of the Wareham Savings Bank, to be located in the town of Wareham, in the county of Plymouth, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all other laws of the Commonwealth relating to savings banks and institutions for savings. [*Approved by the Governor, March 12, 1847.*]

Persons incorporated in Wareham.

Chap. 80.

An Act to incorporate the New Bedford Horticultural Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to advance the
science, &c. of
horticulture.

Capital stock,
\$20,000.

SECTION 1. Henry H. Crapo, James Arnold, Joseph Clarke, their associates and successors, are hereby made a corporation, by the name of the New Bedford Horticultural Society, for the purpose of advancing the science, and encouraging and improving the practice, of horticulture; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real and personal estate, to the amount of twenty thousand dollars. [Approved by the Governor, March 12, 1847.]

Chap. 81.

An Act, authorizing the County Commissioners for the County of Barnstable, to lay out a Road, and construct a Bridge across Frost Fish Creek, in Chatham, and Wading Place Creek, in Chatham and Harwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of
road and bridge.

The county commissioners of the county of Barnstable, are hereby empowered, if, in their opinion, the public necessity and convenience require it, to lay out a highway, and cause to be constructed a good and sufficient bridge, at any place which to them may seem necessary, across Frost Fish Creek, in the town of Chatham, and also across Wading Place Creek, which forms a division line betwixt Chatham and Harwich: *provided* the arches over said creeks shall be made high and wide enough for boats and scows, loaded with hay, to pass under, at full sea. [Approved by the Governor, March 12, 1847.]

Provided, &c.

Chap. 82.

An Act, in further addition to an Act entitled, "An Act to establish the City of Lowell."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for elec-
tion of ward
officers.

SECTION 1. The meeting for the election of the several ward officers, enumerated in the nineteenth section of the act to which this act is in addition, shall be held on the second Monday of December, annually, and, in all other respects, shall be conducted in the same manner as is now by law provided.

Proceedings in
case of failure
to elect alder-
men.

SECTION 2. Whenever less than five aldermen of said city shall be elected before the first Monday of January, in any year, the aldermen of the preceding year shall continue in office, until at least five aldermen shall be elected and

qualified. And five members of the board of aldermen shall constitute a quorum for the transaction of business.

Quorum of aldermen.

SECTION 3. If any person, elected a member of the school committee, as provided for in the twentieth section of the act to which this act is in addition, shall die, resign, or remove out of the city, before the expiration of his term of office, the mayor and aldermen may issue their warrant, for the purpose of causing a new election to be held, in order to supply such vacancy.

Proceedings to supply vacancies in the school committee.

SECTION 4. The city council may make by-laws and regulations, for the purpose of preventing any person, without first obtaining a license from the board of aldermen, from setting up, employing, or using, any hackney-coach, cab, or job-wagon, or other carriage for the conveyance of passengers or freight, from place to place in the city, for hire, and for the purpose of establishing and limiting the rates and prices for such conveyance of passengers; and may also establish fit penalties for the breach of any of said by-laws or regulations, not exceeding twenty dollars, recoverable to the use of the city, on complaint before the police court therein.

Power of city council, in respect to licensing hackney vehicles, &c.

SECTION 5. Whenever, after a temporary sidewalk has been built, by order of the city council, in any street, in front of any vacant lot of land, at the expense of, or charged to, the owner thereof, said lot has been, or shall be, occupied or built upon, it shall be lawful for the city council to assess, upon the owner of such lot, the expense of such permanent sidewalk as may be built, by order of the city council, in front of said lot, deducting, from the amount of said assessment, the amount actually paid to the city, towards the cost of the original temporary sidewalk in front of said lot. And the collection of said assessment may be enforced in the same manner as is now by law provided for the case of permanent sidewalks. [*Approved by the Governor, March 12, 1847.*]

Power of city council, in respect to sidewalks.

An Act to suppress Injurious Publications.

Chap. 83.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Every person who shall, knowingly, advertise, print, publish, distribute, or circulate, or, knowingly, cause to be advertised, printed, published, distributed, or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement, or reference, containing words or language giving or conveying any notice, hint, or reference, to any person, or to the name of any person, real or fictitious, from whom, or to any place, house, shop, or office, where any poison, drug, mixture, preparation, medicine, or noxious thing, or any instrument or means whatever, or any advice,

Publications, leading to the procuring of abortions, punishable with imprisonment or fine.

direction, information, or knowledge, may be obtained, for the purpose of causing or procuring the miscarriage of any woman pregnant with child, shall be punished by imprisonment in the state prison, house of correction, or common jail, not more than three years, or by fine not exceeding one thousand dollars. [*Approved by the Governor, March 12, 1847.*]

Chap. 84. An Act giving further time to the President, Directors, and Company, of the Cohannet Bank, to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Incorporation continued to July 1, 1848.

SECTION 1. The president, directors, and company, of the Cohannet Bank, are hereby continued a body corporate, until the first day of July in the year one thousand eight hundred and forty-eight, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 12, 1847.*]

Chap. 85. An Act to authorize the Old Colony Rail-road Corporation to extend their Rail-road in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Road may be extended to Kneeland street, &c.

SECTION 1. The Old Colony Rail-road Corporation is hereby authorized to locate and construct a rail-road, with one or more tracks, commencing at a point in Boston, at the termination of their bridge, at the depot wharf of the Boston and Worcester Rail-road Corporation, and continuing thence to some convenient point on Kneeland street, between South street and Cove street.

But bridge may be constructed, &c.

SECTION 2. Nothing in this act contained, nor the location, construction, and maintenance of the rail-road herein authorized, shall impair the right of the said Old Colony Rail-road Corporation to construct, keep, and maintain their said bridge, as now located, across the channel from the northerly wharf of the South Boston Iron Company, to the depot wharf of the Boston and Worcester Rail-road Corporation aforesaid.

Mayor and aldermen to regulate motive power, &c.

SECTION 3. The motive power and rate of speed for crossing any of the streets in the city of Boston, by the rail-road herein authorized, as well as the securities at the crossings and on said bridge, shall be regulated in such manner as the mayor and aldermen of said city shall require.

Powers and duties of corporation.

SECTION 4. In locating, constructing, and using said rail-road, the said corporation shall have all the powers and privileges, and be subject to all the liabilities, which are

granted to, and imposed upon, them by their original charter, and by such other provisions of law relating to railroads as have been subsequently passed.

SECTION 5. Said corporation are authorized to increase their capital stock not exceeding one hundred thousand dollars.

SECTION 6. This act shall take effect from and after its passage. [Approved by the Governor, March 13, 1847.]

Capital stock to be increased by not more than \$100,000.

When to take effect.

An Act authorizing the Extension of Mill Pond Wharf, in Boston.

Chap. 86.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Lowell Manufacturing Company, and the other proprietors of warehouses on Mill Pond Wharf, are hereby authorized to extend and maintain their wharf, at the westerly part of the city of Boston, near the depot of the Boston and Lowell Rail-road Corporation, to the line established as the commissioners' line, by the act entitled "An Act concerning the Harbor of Boston," passed the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have right to lay vessels at the sides and ends of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as shall extend below low-water mark shall be built on piles, which shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that the provisions of this act shall not interfere with the private rights of any person or persons whatever: *provided, also*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the commissioners' line. [Approved by the Governor, March 15, 1847.]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act to increase the Capital Stock of the Lancaster Mills.

Chap. 87.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Lancaster Mills are hereby authorized to increase their capital stock by adding thereto five hundred thousand dollars; and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which they have been incorporated. [Approved by the Governor, March 15, 1847.]

Capital stock may be increased by adding \$500,000. Investment of the same.

Chap. 88.

An Act to incorporate the Cochituate Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated for 20 years to insure fire risks in Boston.

SECTION 1. David Kimball, Abraham T. Lowe, Asa Swallow, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Cochituate Fire Insurance Company, in the city of Boston, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$20,000, excepting, &c.

SECTION 2. The said corporation may hold any estate, real or personal, for the use of said company: *provided*, that the real estate shall not exceed twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Capital stock to consist of \$150,000, in shares of \$50, &c.

SECTION 3. The capital stock of said company shall be one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order.

Policies to be issued after the investment of \$75,000, under restrictions as to amount, &c.

SECTION 4. The said company may issue policies when seventy-five thousand dollars of said stock shall have been paid in, being restricted to eight per centum on any one risk; and whenever the whole amount of said capital stock shall have been paid in, ten per centum shall be allowed to be taken on any one risk: *provided, however*, that the whole amount of said capital stock shall be paid in within two years from the passage of this act. [*Approved by the Governor, March 15, 1847.*]

Provided, &c.

Chap. 89.

An Act to confirm and continue the Mill Dam across Mill Creek, in Truro.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Acts of owners confirmed, &c.

The doings of the owners of the mill dam across Mill Creek, in Truro, at the outlet of the pond called Mill Pond, in constructing and continuing said dam and stopping the waters, are hereby ratified and confirmed; and the present owners of said dam, and their assigns, shall have the right to continue said dam across said creek, in the same way and manner as it had been continued for the fifty years next before the first day of January, in the year one thousand eight hundred and forty-three. [*Approved by the Governor, March 15, 1847.*]

An Act authorizing the construction of a Bridge across Harry's Creek.

Chap. 90.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The commissioners for the county of Dukes County are hereby authorized and empowered to locate and construct a bridge across a certain tide water called Harry's Creek, which tide water is in said county, and is between the town of Chilmark and the promontory of Gay Head : *provided*, that said bridge be so constructed as to permit boats, such as are now used by the inhabitants near said bridge, to pass and repass with their masts down. [Approved by the Governor, March 15, 1847.]

Location of bridge.

Provided, &c.

An Act to incorporate the Essex Savings Bank.

Chap. 91.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Caleb M. Marvell, Charles S. Storow, Daniel Saunders, their associates and successors, are hereby made a corporation, by the name of the Essex Savings Bank, to be located in the town of Methuen, in the county of Essex, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth and forty-fourth chapters of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings. [Approved by the Governor, March 15, 1847.]

Persons incorporated in Methuen.

An Act to incorporate the Taunton Paper Manufacturing Company.

Chap. 92.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles R. Vickery, Samuel L. Crocker, Charles F. Davenport, their associates and successors, are hereby made a corporation, by the name of the Taunton Paper Manufacturing Company, for the purpose of manufacturing paper in the town of Taunton, county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture paper in Taunton.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate not exceeding fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, March 17, 1847.]

Real estate not to exceed \$50,000, and capital stock \$100,000.

Chap. 93. An Act to set off a part of the Town of West Stockbridge, and annex the same to the Town of Alford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Territory set off and annexed.

So much of the town of West Stockbridge, in the county of Berkshire, with the inhabitants thereon, as is comprised within the following described lines, is set off from said West Stockbridge, and annexed to the town of Alford, in the county of Berkshire, to wit :—Beginning at the southwest corner of West Stockbridge ; thence in the south line of West Stockbridge south, eighty-two degrees and six minutes east, fifty-two and a half chains to the northwest corner of Great Barrington ; thence north fourteen degrees and ten minutes east, on or near the top of the mountain called Tom Ball, seventy-eight chains and eight links ; thence north fifty degrees and twenty minutes west, along the line of William and Gilbert Milligan's land to the west line of West Stockbridge ; thence south, six degrees and thirty-nine minutes west, on the line between West Stockbridge and Alford, to the place of beginning : *provided, however,* that all taxes heretofore assessed upon said territory, shall be collected in the same manner as if this act had not been passed. [Approved by the Governor, March 17, 1847.]

Collection of taxes heretofore assessed.

Chap. 94.

An Act to regulate the Herring Fishery in the Town of Falmouth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Falmouth may prescribe the times, &c. of taking alewives, &c. in Dexter's River, &c.

SECTION 1. The inhabitants of the town of Falmouth, in the county of Barnstable, may, at any legal meeting called for that purpose, prescribe the times, places, and manner of taking alewives or herrings, in Dexter's river and other waters connecting Coonamisset pond with the Vineyard sound, or sea, and also in the other rivers, streams, and ponds, which have heretofore been used by the inhabitants of said town as herring fisheries ; and they may also, at said meeting, adopt such further rules and regulations as may, by them, be deemed expedient for the preservation of said fishery ; and they may dispose of the privilege of taking said fish in any way or manner they may think proper ; and they shall choose, by ballot, a committee, consisting of three discreet persons, who shall cause the regulations adopted by said town to be carried into effect, and who shall be sworn to the faithful performance of their duty.

and adopt further rules, &c.

and dispose of fishing privileges, &c.

and they shall choose by ballot a committee, &c. to carry said regulations into effect.

Regulations to be posted up, &c.

SECTION 2. The selectmen, for the time being, shall post up the regulations so established in three or more public

places in said town, in each and every year, within one week after their passage.

SECTION 3. If any person shall take any of said fish in any of the waters aforesaid, at any time or in any manner other than shall be allowed by said town, he shall, for each offence, on conviction thereof, pay a fine not exceeding five dollars; and if any person shall, in either of the months of March, April, May, or June, without permission of the town or fish committee, set or shoot a seine in the Vineyard sound, within forty rods of the mouth of said rivers or streams, for the purpose of taking said fish, he shall, for each offence, on conviction thereof, pay a fine not exceeding twenty dollars; the fines and forfeitures to be recovered in any court proper to try the same—one half to the use of the town, the other half to him who shall prosecute therefor; and, in all such prosecutions, any inhabitant of said town, not otherwise disqualified, shall be a competent witness: *provided*, that this act shall in no wise be so construed as to affect the legal rights of any corporation or persons whatever.

Penalties for breach of regulations,

and for taking fish in certain months without permission, &c.

to be recovered and paid, &c.

Witnesses in prosecutions.

Provided, &c.

SECTION 4. The acts passed on the second day of March, in the year one thousand seven hundred and ninety-eight, and on the first day of March, in the year one thousand seven hundred and ninety-nine, to prevent the destruction and to regulate the catching of alewives in the rivers and streams in the town of Falmouth, in the county of Barnstable, are hereby repealed.

Repeal of previous acts.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1847.*]

When to take effect.

An Act to authorize the Third Religious Society in Dorchester to sell certain Real Estate.

Chap. 95.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Third Religious Society in Dorchester are hereby authorized to sell, at such time or times as they may see fit, at public or private sale, the whole or any part of their real estate, being two certain pieces of land situated in Milton, county of Norfolk, with all the rights, privileges, and appurtenances thereto belonging. One of said lots contains about thirty-six acres, and is called "Trott's Pasture," and the other contains about twenty-six acres; both described on the plan or plans thereof, drawn by Mather Wellington, May sixteenth, in the year one thousand eight hundred and twenty-two, and now, or formerly, in the office of the treasurer of said town of Dorchester. And said society are hereby authorized to convey said parcels of land, in fee, by such deed, or deeds, as they may deem proper. And the treasurer of said society, for the time

Authority to sell and convey real estate in Milton.

being, is hereby authorized, in the name and behalf of said society, to execute such deed, or deeds, for the conveyance thereof, as said society shall, for that purpose, order or direct.

Appropriation
and investment
of proceeds.

SECTION 2. Said society may appropriate or invest the proceeds of said lands as they may see fit: *provided* the same shall be exclusively applied to parochial purposes.

When to take
effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 17, 1847.*]

Chap. 96.

An Act to change the name of the Goodyear Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

To be called the
Boston Belting
Company.

From and after the passage of this act, the corporate name of the Goodyear Manufacturing Company shall be changed, and the said corporation shall be known and called by the name of the Boston Belting Company, any thing, in the act incorporating the same, to the contrary notwithstanding. [*Approved by the Governor, March 17, 1847.*]

Chap. 97.

An Act in addition to An Act to incorporate the "New Bedford Orphan's Home."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Managers au-
thorized to re-
ceive orphan
and destitute
children,

accept surren-
ders from father
or mother,

and bind them
out as appren-
tices.

Parents, who
have been ab-
sent, may re-
claim children,
provided, &c.

The board of managers, for the time being, of "The New Bedford Orphan's Home," shall have authority, at their discretion, to receive into their "Home" such orphan and destitute children as they may judge suitable objects of charity, to enjoy the benefits of the institution; and also to accept a surrender in writing, by the father, or, where there is no father, by the mother, of any child or children, to the care and direction of said institution; and also to bind out as apprentices, in suitable situations, any child or children that may have been received and supported by said institution, males until the age of twenty-one years, and females until the age of eighteen years, or until their marriage, within that age: *provided*, that any parent, whose child or children, during the absence of their said parent from the Commonwealth, shall have received relief and support, or been bound out as apprentices, as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying, to the treasurer of said institution, the expenses incurred in the relief, support, and maintenance, of said child or children. [*Approved by the Governor, March 20, 1847.*]

An Act concerning the Powers of Constables.

Chap. 98.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. If any person, against whom a warrant shall be issued for an alleged offence committed within any town, shall, either before or after the issuing of such warrant, escape from or be out of the town, any constable of such town, to whom such warrant may be directed, may pursue and apprehend the party charged, in any town of the same county, and, for that purpose, may command aid, and may exercise the same authority as in his own town.

Power of constables out of their towns, within the county.

SECTION 2. Any constable may serve, within his own town, any writ, or other process, issued under the provisions of the one hundred and fourth chapter of the Revised Statutes. [Approved by the Governor, March 20, 1847.]

Power in processes of entry and detainer.

An Act to incorporate the Stockbridge and Pittsfield Rail-road Company.

Chap. 99.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles M. Owen, Charles C. Alger, George W. Platner, their associates and successors, are hereby made a corporation, by the name of the Stockbridge and Pittsfield Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws which have been, or shall be passed, relative to rail-road corporations.

Persons incorporated to construct a rail-road.

SECTION 2. Said company may locate, construct, and maintain, a rail-road, with one or more tracks, from some convenient point at or near the village of Pittsfield, by the most convenient route, to the Housatonic River, in the easterly part of the town of Lenox ; thence, following the valley of said river, on the most feasible route near said valley, through the towns of Lee and Stockbridge, to the branch authorized to be constructed by the Berkshire Rail-road Company, terminating near the Stockbridge Iron Works ; or, if said branch shall not be constructed by said Berkshire Rail-road Company within one year from the passage of this act, thence, following on, or near, the route of said branch, to the said Berkshire Rail-road, in the town of Great Barrington, at a convenient point, north of the village of Van Deusenville, in said town of Great Barrington.

Location of road, &c.

SECTION 3. The capital stock of said company shall consist of not more than five thousand five hundred shares ; the number of which shall, from time to time, be determined by the directors of said company, and no assessment shall

Capital stock not to exceed 5500 shares, of \$100.

Investment.

be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest, and hold, such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

May enter upon, and unite with, the Western Rail-road.

SECTION 4. Said company may enter upon, and unite their rail-road, by proper turnouts and switches, with the Western Rail-road, at some convenient point at or near the village of Pittsfield, and use the same, under the provisions and restrictions of the laws relating to rail-roads.

May enter upon, and unite with, the Berkshire Rail-road, or a branch thereof.

SECTION 5. Said company may enter upon, and unite their rail-road, by proper turnouts and switches, with the branch authorized to be constructed by the Berkshire Rail-road Company, at some convenient point at or near said Stockbridge Iron Works; or, if said branch shall not be constructed by said Berkshire Rail-road Company, then said company may enter upon, and unite their rail-road, by proper turnouts and switches, with the Berkshire Rail-road, at some convenient point, north of said Van Deusenville, in said town of Great Barrington, and use the same, under the provisions and restrictions of the laws relating to rail-roads.

The Legislature may authorize other companies to enter upon, and use, the road.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon, and use, the said Stockbridge and Pittsfield Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Stockbridge and Pittsfield Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature, after five years, may reduce tolls and profits.
Provided, &c.

SECTION 7. The Legislature may, after the expiration of five years from the time when the said rail-road shall be opened for use, from time to time, reduce the rates of fare, or other profits, upon said road; but the same shall not be so reduced, without the consent of said company, as to produce, with said profits, less than ten per cent. per annum.

Time for location and completion of road.

SECTION 8. If said company shall not have been organized, and the location of the route of said road filed with the county commissioners of the county of Berkshire, within two years from the passage of this act, or if said company shall fail to complete said road within four years from the passage of this act, then this act shall be void.

When to take effect.

SECTION 9. This act shall take effect from and after its passage. [*Approved by the Governor, March 20, 1847.*]

Chap 100.

An Act to incorporate the Mount Washington Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Charles E. Parsons, Charles L. Hayward, Otis Tufts, their associates and successors, are hereby made a corporation, by the name of the Mount Washington Iron

Company, for the purpose of manufacturing iron in that part of the city of Boston known as South Boston, county of Suffolk; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture iron in South Boston.

SECTION 2 Said corporation may hold, for the purposes aforesaid, real estate, not exceeding in amount one hundred and fifty thousand dollars, and the whole capital stock shall not exceed three hundred and fifty thousand dollars. [Approved by the Governor, March 20, 1847.]

Real estate not to exceed \$150,000, and capital stock \$350,000.

An Act in relation to the Fitchburg and Worcester Rail-road Company.

Chap 101.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The time for the filing of the location of the Fitchburg and Worcester Rail-road is hereby extended to the sixteenth day of April, in the year one thousand eight hundred and forty-eight.

Time for filing location of road extended to April 16, 1848.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 20, 1847.]

When to take effect.

An Act concerning the Common Lands in the Island of Nantucket.

Chap 102.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The occupant, or owner, of uninclosed land on the island of Nantucket, when used only for depasturing, shall not be required to pay for any portion of the partition fences standing on the line between the same land and the land of the inclosure of any other occupant or owner.

Owners or occupants not to pay for fences when used, &c.

SECTION 2. So much of the twelfth section of the nineteenth chapter of the Revised Statutes, as provides for such payment, is hereby repealed, so far as the same relates to the island of Nantucket. [Approved by the Governor, March 23, 1847.]

Repeal of inconsistent provisions.

An Act to incorporate the Fitchburg Mutual Fire Insurance Company.

Chap 103.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Alvah Crocker, Nathaniel Wood, Moses Wood, their associates and successors, are hereby made a corporation, by the name of the Fitchburg Mutual Fire Insurance Company, in the town of Fitchburg, in the county of Worcester, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire, with all the powers and privileges, and

Persons incorporated in Fitchburg to insure fire risks in Massachusetts, for 28 years, on the mutual principle.

subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Not to insure
over \$10,000 on
one risk.

SECTION 2. Said corporation shall not, at any time, make insurance for an amount exceeding ten thousand dollars, on any single or combined risk. [*Approved by the Governor, March 23, 1847.*]

Chap 104.

An Act concerning Wilful Disturbance of Religious Worship.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction of
justices of the
peace and po-
lice courts.

Every justice of the peace, within his county, and the several police courts established by law, except the police court of the city of Boston, shall have jurisdiction concurrent with the court of common pleas, and the police court of the city of Boston shall have jurisdiction, concurrent with the municipal court, of the offence specified in the seventeenth section of the one hundred and thirtieth chapter of the Revised Statutes, when the same is not of an aggravated nature: *provided, however*, that such justice, and the police court aforesaid, shall punish such offence by imprisonment in the county jail or house of correction, not more than thirty days, or a fine not exceeding ten dollars, saving to the party convicted the right of appeal, as in other cases. [*Approved by the Governor, March 23, 1847.*]

Provided, &c.

Chap 105.

An Act authorizing Gilman M. Burnham and Reuben Burnham to extend their Wharf in East Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Bos-
ton may be ex-
tended to the
line, &c.

Gilman M. Burnham and Reuben Burnham, proprietors of a wharf situated in that part of Boston called East Boston, and lying between and adjoining the land and wharves of Eben Weeks and James Cunningham, are hereby authorized to extend and maintain their wharf into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the ends and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall, in no wise, affect the legal rights of any persons whatever: *provided* also, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of

Provided, &c.

any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line. [*Approved by the Governor, March 23, 1847.*]

An Act to continue in force "An Act incorporating the Hingham Mutual Fire Insurance Company."

Chap 106.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The act passed on the fourth day of March, in the year one thousand eight hundred and twenty-six, entitled, "An Act incorporating the Hingham Mutual Fire Insurance Company," shall be and remain in force for the term of twenty-eight years from and after the third day of March in the year one thousand eight hundred and fifty-four; and said company shall be continued as a corporation, with all the powers and privileges granted to the same by an act in addition to the act aforesaid, passed on the eighth day of June, in the year one thousand eight hundred and thirty-one, and also with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes. [*Approved by the Governor, March 23, 1847.*]

Incorporation continued to March 3, 1882.

An Act relating to Recording Officers of Joint Stock Companies, and to the Transfer of Shares therein.

Chap 107.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

All records of transfers of stock, in joint stock companies, incorporated by the sole authority of this Commonwealth, shall be made and kept within the Commonwealth; and the officer of every such company, whose duty it may be to record transfers of shares in the capital stock thereof, shall, at the time of his election or appointment, be a resident within the Commonwealth; and whenever such officer shall cease to be a resident therein, his office shall become vacant. [*Approved by the Governor, March 23, 1847.*]

Records of transfers of stock, &c. to be made and kept within the Commonwealth, and by residents therein.

An Act to incorporate the Hingham Wharf and Land Company, in the Town of Hingham.

Chap 108.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Royal Whiton, Kilby Page, and Ebenezer Gay, their associates and successors, are hereby made a corporation, by the name of the Hingham Wharf and Land Company, with power to purchase and hold, in fee simple or otherwise, all that tract of land lying at Crow Point, so called, in Hingham, in the county of Plymouth, and known as the Hersey lot, the Thaxter lot, the Beals lot, the Nelson

Persons incorporated,

to purchase land,

lot, and the Groce lot, with the wharf and flats adjacent, with all privileges and appurtenances to the same premises belonging. And the said corporation may, within the limits aforesaid, construct docks and wharves, lay vessels within and at the sides thereof, and receive dockage and wharfage therefor; erect buildings, lay out streets and passages, and improve and manage said property as to them shall seem expedient: *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure, on the premises, which is not now authorized by law.

build docks,
wharves, &c., in
Hingham.

Provided, &c.

Capital stock
not to exceed
1000 shares, of
\$100.

Shares may be
sold for non-
payment of as-
sessments.

Powers and du-
ties.

SECTION 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding one thousand, into which their stock shall be divided, which shares shall be transferable in a book to be kept by the clerk of the corporation for that purpose; may, from time to time, assess upon the stockholders such sums of money, not exceeding, in the whole, one hundred dollars on each share, as may be necessary for the purchase, improvement, and management, of their estate; and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholder as may be sufficient therefor to be sold, in the manner which said corporation shall, by their by-laws, prescribe.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, March 23, 1847.*]

Chap 109. An Act to cede to the United States the Jurisdiction of Minot's Rock, or Ledge, in Massachusetts Bay.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Jurisdiction
ceded for a
light-house.

Provided, &c.

The jurisdiction of Minot's Rock, or Ledge, in Massachusetts Bay, and all the right and claim to the soil thereof which this Commonwealth may have, is hereby granted to the United States of America, for the purpose of erecting a light-house on the same: *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction, with the United States, in and over said land, so far, that all civil and criminal processes, issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which may be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid. [*Approved by the Governor, March 23, 1847.*]

An Act to incorporate the Marlborough Steam Mill Company.

Chap 110.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Isaac Hayden, J. S. Witherbee, Lambert Bigelow, their associates and successors, are hereby made a corporation, by the name of the Marlborough Steam Mill Company, for the purpose of erecting a steam-mill in the town of Marlborough, in the county of Middlesex, for sawing lumber, planing boards, grinding grain and plaster, and furnishing steam power for manufacturing and mechanical purposes, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to erect a
steam-mill in
Marlborough.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, March 23, 1847.]

Estate not to
exceed
\$50,000.

An Act to authorize Stephen C. Phillips to extend a Wharf or Wharves.

Chap 111.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Stephen C. Phillips is hereby authorized to extend a wharf or wharves, either solid or on piers, across the flats in front of the estate now owned by the said Phillips, in Derby street, in the city of Salem, in a direction towards the north-west side of the channel of the harbor of Salem, and for such a distance as will always afford a depth of twelve feet of water, at low water, at the outermost extremity of such wharf or wharves; and shall have the right to lay vessels at the ends and sides of such wharf or wharves, and to receive dockage and wharfage therefor: *provided*, that this grant shall not in any manner interfere with the legal rights of any persons whatever. [Approved by the Governor, March 23, 1847.]

Wharf or
wharves, in Sa-
lem, may be
extended, &c.

Provided, &c.

An Act to authorize the Trustees of the First Baptist Church in Lexington to sell or mortgage certain Real Estate.

Chap 112.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Trustees of the First Baptist Church in Lexington are hereby authorized and empowered, in their corporate capacity, to sell, by private or public sale, at such time or times, and for such sum or sums of money, as they may deem proper, the church in Lexington held by said corporation in trust, together with the land under and about the same, which belongs thereto, and to convey the same, discharged from all trusts, conditions, and liability to see to

Authority to sell
and convey
church and land
in Lexington,

for the purpose
of paying debts,

and purchasing
another church
and church site.

Authority to
mortgage
church and
land, if not
sold.

When to take
effect.

the application of the purchase money, to the purchaser or purchasers thereof, in fee simple or otherwise, by a suitable deed or deeds, to be executed by all said trustees, for the time being, in their corporate capacity, under a common or corporate seal by them for that purpose adopted; said sale and conveyance to be made for the purpose of paying, out of the net proceeds thereof, the debts now unpaid and outstanding, which have been created by the purchase of said land, by the building of said church, and the incidental expenses arising therefrom, and by the maintenance of public worship therein; and for the further purpose of investing the surplus of said net proceeds in some other church and church site more eligible, in the opinion of said trustees for the time being, for the purposes of public worship, which said last-named church and church site shall be held by said corporation upon the same trust, and for the same uses and purposes, as the land and church, hereby authorized to be sold, would be held, if not sold under the authority of this act.

SECTION 2. In case said trustees for the time being shall not, for any reason, deem it advisable to sell the church and land authorized to be sold by the preceding section of this act, but rather to borrow, upon a mortgage or mortgages thereof, the whole or part of a sum of money sufficient to pay the debts now unpaid and outstanding, which have been created in the ways mentioned in said preceding section, together with the whole or part of such other sum, if any, as said trustees may see fit to expend in repairing or altering said church, then, in such case, they are hereby authorized and empowered, in their corporate capacity, to convey said church and land discharged of all trusts, conditions, and liability to see to the application of the money borrowed thereon, in fee and in mortgage, to such person or persons as may loan them money, and by such deed or deeds of mortgage, to be executed in the way and manner prescribed in said preceding section for the execution of the deed or deeds therein authorized, as they shall think proper, for the purpose of securing to said loaner or loaners the payment of the principal and interest of any sum or sums of money borrowed by said trustees, in order to pay and defray all or any part of the debts and expense aforesaid, as well as to secure the note or notes given for the money so borrowed.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 23, 1847.*]

An Act to incorporate the Unquomunk Manufacturing Company.

Chap 113.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Lewis Bodman, Winfield S. Pierce, their associates and successors, are hereby made a corporation, by the name of the Unquomunk Manufacturing Company, for the purpose of manufacturing cotton and woolen goods in the town of Williamsburg, county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to manufacture
cotton and
woolen goods
in Williams-
burg.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount twenty-five thousand dollars. [Approved by the Governor, March 23, 1847.]

Estate not to
exceed \$25,000.

An Act in addition to an Act to incorporate the Worcester County Horticultural Society.

Chap 114.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Worcester County Horticultural Society is hereby authorized to hold real and personal estate to the amount of twenty thousand dollars.

May hold estate
to the amount of
\$20,000.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 23, 1847.]

When to take
effect.

An Act to incorporate the People's Mutual Fire Insurance Company.

Chap 115.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George Bowen, Edward H. Hemenway, and James H. Wall, of Worcester, in the county of Worcester, their associates and successors, are hereby made a corporation, by the name of "The People's Mutual Fire Insurance Company," to be established in Worcester aforesaid, for the term of twenty-eight years, for the purpose of insuring buildings within the Commonwealth of Massachusetts, stock in trade, and all other kinds of personal property, on the mutual principle, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, in the act of the year one thousand eight hundred and forty-five, chapter seventeen, and all other general laws of this Commonwealth relating to such corporations.

Persons incor-
porated in Wor-
cester to insure
fire risks in
Massachusetts
for 28 years, on
the mutual prin-
ciple.

SECTION 2. After the organization of said corporation, books may be opened for the subscription of a guaranty capital of one hundred thousand dollars; and, whenever that amount shall be subscribed and paid in, said corpora-

Where guaran-
ty capital of
\$100,000 has
been paid in,
insurance may
be made, not on

mutual principle.
Guaranty capital to be in shares, and to pay dividend, &c.

Qualifications of voters in elections.

Investment of funds.

tion may also insure and issue policies otherwise than on the mutual principle. Said guarantee capital shall be divided into shares by said corporation, and shall be entitled to receive a semi-annual dividend, such as may be determined by the directors, not to exceed four per centum.

SECTION 3. After the first election, no person shall be eligible as an officer, or entitled to vote as a member of said corporation, unless he be the holder of a mutual policy.

SECTION 4. Said corporation may invest its funds in any manner in which insurance companies or savings banks are or may be authorized to do. [*Approved by the Governor, March 23, 1847.*]

Chap 116.

An Act to incorporate the East Boston Dry Dock Company, and to extend a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to build a dry dock and repair vessels in East Boston.

Estate not to exceed \$200,000.

Wharf in East Boston may be extended to the line, &c.

Provided, &c.

SECTION 1. Ephraim Parker and John D. Dunbar, their associates and successors, are hereby made a corporation, by the name of the East Boston Dry Dock Company, for the purpose of building a dry dock and for repairing vessels in that part of Boston called East Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 2. Said corporation may purchase and hold such real and personal estate as may be necessary and convenient for the purposes mentioned in this act, to an amount not exceeding two hundred thousand dollars.

SECTION 3. Said Ephraim Parker and John D. Dunbar, their associates and successors, are hereby authorized to extend and maintain their wharf, located at the junction of Maverick and New streets, in East Boston, into the harbor channel, as far as the line established by the act, entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons whatever: *provided, further*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line. [*Approved by the Governor, March 23, 1847.*]

An Act to incorporate the Berkshire Glass Company.

Chap 117.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel Smith, William T. Filley, W. B. D. Linn, their associates and successors, are hereby made a corporation, by the name of the Berkshire Glass Company, for the purpose of manufacturing glass, in the town of Lanesborough, county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to manufacture
glass in Lanes-
borough.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, March 23, 1847.]

Estate not to
exceed
\$100,000.

An Act to authorize Albert Bowker and William Fettyplace to extend their Wharf.

Chap 118.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Albert Bowker and William Fettyplace, proprietors of a wharf and flats situate on Border street, and opposite Central square, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Ammi C. Lombard, and George B. Jones, and William H. and B. F. Delano, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act, entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the ends and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line : *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [Approved by the Governor, March 26, 1847.]

Wharf in
Boston may be
extended to the
line, &c.

Provided, &c.

Chap 119.

An Act authorizing Isaiah Gifford to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built in Provincetown, &c.

Isaiah Gifford is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor : *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 26, 1847.]

Provided, &c.

Chap 120.

An Act to incorporate the Fitchburg Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to manufacture iron in Fitchburg.

SECTION 1. John T. Farwell, Abel Simonds, Leonard C. Sanborn, their associates and successors, are hereby made a corporation, by the name of the Fitchburg Iron Company, for the purpose of manufacturing iron in the town of Fitchburg, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$25,000, and capital stock \$50,000.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed fifty thousand dollars. [Approved by the Governor, March 26, 1847.]

Chap 121.

An Act authorizing Guilford Hathaway and Edmund D. Hathaway to plant Oysters in Assonet River, a Branch of Taunton Great River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant, grow, and dig oysters in Freetown, &c.

SECTION 1. Guilford Hathaway and Edmund D. Hathaway, both of Freetown, in the county of Bristol, their heirs and assigns, are hereby authorized to plant, grow, and dig oysters, in the waters and flats of Assonet River, a branch of the Taunton Great River, in front and westerly of land of David Evans and Lynde Valentine, in said Freetown, beginning at the south line of Edmund D. Hathaway, and extending on the shore and flats to the line of land of Stillman Tucker, and extending from high-water mark westerly to the channel, or line of the town of Berkley.

Penalty for planting, digging, &c. within 20 years, without permis-

SECTION 2. The said Guilford and Edmund D. Hathaway, their heirs and assigns, shall have the exclusive use of said waters and flats, from high-water mark to the channel of said river, as defined, for the purpose of plant-

ing, growing, and digging oysters, for the term of twenty years; and if any person shall, within said limits, dig from, or take any oysters during said term, without license from said Guilford and Edmund D. Hathaway, their heirs or assigns, he shall forfeit and pay a fine not exceeding twenty dollars for each offence, to be recovered by said Guilford and Edmund D. Hathaway, their heirs or assigns, in any court proper to try the same.

sion of said
Guilford and
Edmund D.
Hathaway, &c.

SECTION 3. Nothing in this act shall be so construed as to infringe upon the rights of any owner of land, on which said oysters are planted by said Guilford and Edmund D. Hathaway, their heirs or assigns. [*Approved by the Governor, March 26, 1847.*]

Rights of own-
ers of land not
to be infringed
upon.

An Act to authorize Samuel Hall to extend his Wharf.

Chap 122.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Samuel Hall, proprietor of a wharf situate on Border street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of J. P. and J. A. Woodbury, and Shepard Simmons, and others, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act, entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the ends and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: *and provided, also,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 26, 1847.*]

Wharf in Bos-
ton may be ex-
tended to the
line, &c.

Provided, &c.

An Act to increase the Capital Stock of the Bunker Hill Bank.

Chap 123.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The president, directors, and company of the Bunker Hill Bank are authorized to increase their capital stock by an addition of fifty thousand dollars thereto, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank

Capital stock
may be in-
creased by
\$50,000 in
shares of \$100,
&c.

Provided, &c. may direct : *provided*, that the whole amount shall be paid in on or before the fourth day of October next.

Liabilities of increased capital. SECTION 2. The additional stock aforesaid shall be subject to the like tax, regulations, and provisions, to which the present capital stock of said bank is now subject.

Certificate, &c. to be returned to the Secretary. SECTION 3. Before said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, March 26, 1847.*]

Chap 124.

An Act to authorize Simeon Conant to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Provincetown may be extended, &c.

Simeon Conant is hereby authorized to extend and maintain the wharf now owned by him, and adjoining his land in Provincetown, to low-water mark, and shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor : *provided*, this act shall not in any manner interfere with the legal rights of any person whatever. [*Approved by the Governor, March 26, 1847.*]

Provided, &c.

Chap 125.

An Act to authorize Owen Bearse and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built in Barnstable.

Owen Bearse, and his associates, are hereby authorized to build and maintain a wharf in the village of Hyannis, in the town and county of Barnstable, to the channel, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided*, that this grant shall not in any manner interfere with the legal rights of any person whatever. [*Approved by the Governor, March 26, 1847.*]

Provided, &c.

Chap 126.

An Act to incorporate the Massachusetts Steam Engine Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. John W. Lincoln, Samuel Davis, George T. Rice, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Steam Engine Company, for the purpose of manufacturing steam-engines, and machinery, in the town of Worcester, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture steam-engines and machinery in Worcester.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in amount fifty thousand dollars, and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

Real estate not to exceed \$50,000, and capital stock, \$150,000

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1847.]

When to take effect.

An Act to authorize George Sturtevant and others to extend their Wharf.

Chap 127.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

George Sturtevant, Thomas Edwards, and George Cannon, are hereby authorized to extend their wharf, situated in that part of the city of Boston called East Boston, into the harbor channel, as far as the line established by an act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons or corporations whatever: *and provided, further*, that this act shall not be so construed as to extend to any flats or land of the Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line. [Approved by the Governor, March 26, 1847.]

Wharf in Boston may be extended to the line, &c.

Provided, &c.

An Act to incorporate the Pickman Manufacturing Company.

Chap 128.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George T. Sanders, Michael Lord, William D. Pickman, their associates and successors, are hereby made a corporation, by the name of the Pickman Manufacturing Company, for the purpose of manufacturing cotton and woolen goods, in the city of Salem, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton and woolen goods in Salem.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in amount forty thousand dollars, and the whole capital stock shall not exceed sixty thousand dollars. [Approved by the Governor, March 26, 1847.]

Real estate not to exceed \$40,000, and capital stock \$60,000.

Chap 129.

'An Act authorizing Kilbourn W. Freeman to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be built in Provincetown, &c.

Kilbourn W. Freeman is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water, at low tide, and to lay vessels at the end and sides thereof, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 26, 1847.]

Provided, &c.

Chap 130.

An Act to incorporate the Williamstown Water Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to supply the citizens of Williamstown with water.

Estate not to exceed \$20,000.

SECTION 1. Daniel N. Dewey, Seymour Whitman, Edward Lazell, their associates and successors, are hereby made a corporation by the name of the Williamstown Water Company, for the purpose of supplying the citizens of Williamstown, county of Berkshire, with good water, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount twenty thousand dollars. [Approved by the Governor, March 27, 1847.]

Chap 131.

An Act to establish the Shelburne Falls Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated, to manage an academy in Shelburne.

SECTION 1. Ebenezer G. Lamson, Asa Severance, Jarvis B. Bardwell, their associates and successors, are hereby made a corporation, by the name of the Shelburne Falls Academy, to be established in the town of Shelburne, in the county of Franklin, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$20,000, to be devoted, &c.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars, to be devoted exclusively to the purposes of education. [Approved by the Governor, March 27, 1847.]

An Act in addition to "an Act for the further Regulation of the Erection of Wooden Buildings in the City of Boston."

Chap 132.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any building hereafter erected in the city of Boston, contrary to the provisions of an act entitled "An Act for the further regulation of the erection of wooden buildings in the city of Boston," passed the eighth day of April, in the year one thousand eight hundred and thirty-five, chapter one hundred and thirty-nine, shall be deemed and taken to be a common nuisance; and the mayor and aldermen of the said city shall have the same power and authority to abate and remove any such building as are given to the board of health in the tenth and eleventh sections of the twenty-first chapter of the Revised Statutes: *provided, however*, that nothing herein shall be construed as affecting any remedies already given in the said act. [Approved by the Governor, March 27, 1847.]

Illegal buildings in Boston, &c. to be taken and deemed to be nuisances, and to be abated by mayor and aldermen, &c.

Provided, &c.

An Act to incorporate the Hampden County Horticultural Society.

Chap 133.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Henry Vose, Henry Brewer, Jr., Samuel Bowles, Jr., their associates and successors, are hereby made a corporation, by the name of the Hampden County Horticultural Society, for the purpose of advancing the science, and encouraging and improving the practice, of horticulture; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

Persons incorporated,

to advance the science, &c. of horticulture.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real and personal estate to the amount of twenty thousand dollars. [Approved by the Governor, March 29, 1847.]

Estate not to exceed \$20,000.

An Act to increase the Capital Stock of the Boston Insurance Company.

Chap 134.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Insurance Company, in the city of Boston, is hereby authorized to increase its capital stock by an addition thereto of a sum not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be collected and paid in such instalments, and under such provisions and penalties, as the president and directors of said company may appoint. [Approved by the Governor, March 29, 1847.]

Capital stock may be increased by \$100,000, in shares of \$100, &c.

Chap 135. An Act to incorporate the Constitution Wharf Company, in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to purchase and
hold land,
wharves, &c.

and construct
docks and
wharves, &c.

Provided, &c.

Corporation to
agree on num-
ber of shares,
not to exceed
100 of \$5000
each, &c. to be
transferable,
&c.

Shares may be
sold for non-
payment of
assessments.

Powers and du-
ties of corpora-
tion.

SECTION 1. Nathaniel Goddard, James S. Wilder, D. S. Kendall, their associates and successors, are hereby made a corporation, by the name of the Constitution Wharf Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land, wharves, docks, and flats, situated on the northerly side of Commercial street, in said Boston, and bounded southerly by said Commercial street, easterly by the estate known as the Battery Wharf, westerly by the estate known as Aspinwall's Wharf, and northerly by the commissioners' line, so called, in Boston Harbor, with all the privileges and appurtenances to the said premises belonging. And the said corporation may, within the limits aforesaid, construct docks and wharves, lay vessels within, and at the ends and sides thereof, and receive dockage and wharfage therefor; erect buildings, lay out streets and passage-ways, and improve and manage said property, as to them shall seem expedient: *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.

SECTION 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding one hundred, into which their stock shall be divided, which shares shall be transferable in a book, to be kept by the clerk of the corporation for that purpose; may, from time to time, assess upon the stockholders such sums of money, not exceeding in the whole five thousand dollars on each share, as may be necessary for the purchase, improvement, and management of their estate; and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of said stockholders as may be sufficient therefor to be sold, in such manner as the said corporation may, by their laws, determine.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, March 29, 1847.*]

Chap 136. An Act authorizing Jonathan Hill and Joseph P. Johnson to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf may be
built in Prov-
incetown, &c.

Jonathan Hill and Joseph P. Johnson are hereby authorized to build a wharf from their land, adjoining the har-

bor of Provincetown, and to extend said wharf into six feet of water, at low tide, and to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor: *provided*, that this grant shall, in no wise, impair the legal rights of any person whatever. [*Approved by the Governor, March 29, 1847.*]

Provided, &c.

An Act relating to Common Schools.

Chap 137.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. In addition to the grants of money for common schools which cities and towns are now, by law, authorized to make, any city or town may appropriate such further sums of money as it may deem expedient, for the support of schools for the instruction of adults in reading, writing, English grammar, arithmetic, and geography.

Towns may provide for the instruction of adults in reading, &c.

SECTION 2. Such moneys shall be assessed, levied, collected, and paid into the treasury, in the same manner that other town or city taxes are, and shall then be at the disposal of the school committee of the town or city, to be expended by them for the purpose aforesaid, in such manner as they may deem expedient.

Manner of assessment, disposal, &c. of moneys raised for this purpose.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 29, 1847.*]

When to take effect.

An Act to establish the Boundary Line between Weymouth and Abington.

Chap 138.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The boundary line between the towns of Weymouth and Abington shall be established and known as follows, to wit: Beginning at a point, on the boundary line between the towns of Hingham and Weymouth, situated north, fifteen degrees and twenty-three minutes east, five hundred feet distant from the monument standing as the reputed southeast corner of Weymouth; thence, south, seventy-one degrees and fifty minutes west, about three miles and one quarter, to a stake, on the boundary line between the towns of Weymouth and Randolph, situated north, sixteen degrees and eight minutes east, three hundred and fifty-three feet distant from the monument standing at the reputed southwest corner of Weymouth. [*Approved by the Governor, March 31, 1847.*]

Commencement and direction of dividing line.

An Act to incorporate the Point Bridge Company, in the Town of Gloucester.

Chap 139

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Timothy A. Smith, Gideon Lane, and George Norwood, their associates and successors, are hereby made

Persons incorporated.

a corporation, by the name of the Point Bridge Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes.

Location, construction, maintenance, form, &c., of bridge.

SECTION 2. Said corporation is hereby authorized to erect a bridge over Lobster Cove, in the town of Gloucester, from some convenient point, northeasterly from the wharf now owned by Jonathan Dennison, on the southeasterly side of said Cove, to some convenient point on the northwesterly side of said Cove, with a suitable and convenient draw, at least twenty-two feet wide, for the passage of vessels through the same; and said corporation shall build, and keep up, and maintain, the said bridge and draw, of good and sufficient materials, the said bridge to be not less than twenty-four feet in width, with good and sufficient rails, on each side, for the protection of travellers; and shall constantly keep some suitable person or persons at said bridge, who shall raise the said draw for any vessel that may be passing up and down the said Cove, (which cannot conveniently pass under said draw,) free of expense to the owner or owners of such vessel; and if such attendant upon said draw shall unreasonably neglect or refuse to raise the said draw, when thereto required, the said corporation shall, for each and every such neglect or refusal, be liable to a fine of ten dollars, for the use of the persons injured thereby, to be recovered in any court of competent jurisdiction to try the same.

Tendence of draw.

Bridge shall be kept in repair, and draw raised.

SECTION 3. Said corporation shall keep said bridge and draw in good repair at all times, and cause the draw to be raised, for the accommodation of vessels, by day or night; and, at the place where toll shall be collected, shall erect, and keep constantly exposed to view, a sign-board, with the rates of toll fairly and legibly printed thereon, in letters of a large size; and all persons, with their carriages and horses, passing to and from any place of public worship, scholars, while going to or returning from school, and all persons going to or returning from military duty, or to, or from funerals, are hereby exempted from paying any toll required by this act.

Sign-board, with rates of toll.

Exemptions from payment of toll.

Tolls.

SECTION 4. For the purpose of reimbursing the said corporation for the expense of building and maintaining said bridge, a toll is hereby granted, to the sole use of said corporation, not exceeding the following rates, to wit:

For each foot passenger, one cent; for each horse and rider, five cents; for each horse and chaise, chair, or sulky, eight cents; for each coach, phaeton, chariot, or other four-wheeled carriage, drawn by two or more horses, twelve and a half cents; for every wagon, drawn by not more than two horses, eight cents; if drawn by more than two horses, ten cents; for every wagon, cart, or other carriage, drawn by two or four ox-

en, six cents ; if drawn by more than four oxen, eight cents ; for every cart or wagon, truck or dray, drawn by one horse, six cents ; for every sleigh, drawn by one horse, six cents ; for every sleigh, drawn by two horses, eight cents ; for every sled, drawn by two or four oxen, six cents ; for every sled, drawn by one horse, five cents ; and if by more than one horse, one cent additional for every additional horse ; for every sleigh, drawn by more than two horses, ten cents ; and for all horses, mules, and neat cattle, two cents each ; and for sheep and swine four cents for each dozen ; and one person, and no more, shall be allowed to each team, as a driver, to pass free of toll ; the toll shall commence on the first opening of said bridge, and shall continue for the term of seventy years : *provided, nevertheless*, that the Legislature shall have the right, at any time after the expiration of ten years, to alter, and regulate anew, the rates of toll to be collected by said corporation.

Legislature
may regulate
tolls after ten
years.

Provided, also, that whenever a majority of the inhabitants of the town of Gloucester, at any legal meeting thereof held for that purpose, shall determine so to do, said town shall have the right to remunerate said corporation, for the expenses of said bridge, with eight per cent. interest thereon, (deducting what may have been received for tolls,) and open said bridge to the public, free of tolls ; and said corporation shall then surrender their franchise to said town, and shall, thereafter, be released from all their liabilities, any thing, in this act, to the contrary, notwithstanding.

Town of Gloucester may take the bridge to make it free, &c.

SECTION 5. Said corporation is hereby authorized to lay out, make, and maintain, a good and sufficient road, from said bridge to the highways on each side of said Cove ; and if the inhabitants of the town of Gloucester, or the county commissioners of the county of Essex, shall refuse to lay out, and make, and maintain, the same, the said corporation shall be liable for all damages sustained by any person or persons whose lands are taken for said road ; and the amount of damages, if the parties do not agree, shall be ascertained in the way prescribed by law for ascertaining damages sustained by individuals whose lands are taken for public highways.

Road may be laid out to the highways, &c.

Corporation to be liable for land damages in case, &c.

SECTION 6. The stock of said corporation shall consist of not more than one hundred and twenty shares, of twenty-five dollars each. But said corporation may make further assessments on said shares, if necessary to build and complete said bridge.

Capital stock not to exceed 120 shares, of \$25, with power to assess, &c.

SECTION 7. If the said corporation shall neglect to build and complete said bridge within three years from the passing of this act, the same shall, thereafter, be null and void. [Approved by the Governor, March 31, 1847.]

Time for completing the bridge.

Chap 140. An Act authorizing Benjamin Luther and John Boyce to plant Oysters in Assonet River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant,
grow, and dig,
oysters, in Free-
town.

SECTION 1. Benjamin Luther and John Boyce, of Berkley, in the county of Bristol, their heirs and assigns, are hereby authorized to plant and dig oysters, in the waters and flats of Assonet River, a branch of Taunton Great River, in front, and easterly, of a portion of the land of Abigail and Dorcas Tew, from high-water mark to the line of the town of Freetown, near the Narrows (so called) of said Assonet River : said portion of land is bounded, northerly, by land of George Pierce, and extending due south, twenty-two rods ; thence, easterly, (intersecting a large rock at low-water mark,) to the line of Freetown.

Penalty for
planting, dig-
ging, &c., with-
in 20 years,
without permis-
sion of said Lu-
ther and Boyce.

SECTION 2. Said Luther and Boyce, their heirs and assigns, shall have the exclusive use of said waters and flats, from high-water mark to the channel of said river, as defined, for the purpose of planting and digging oysters, for the term of twenty years. And if any person shall, within said limits, dig from, or take, any oysters, during said term, without license from said Luther and Boyce, their heirs or assigns, he shall forfeit and pay a fine, not exceeding twenty dollars for each offence, to be recovered by said Luther and Boyce, their heirs or assigns, in any court proper to try the same.

Rights of own-
ers of land not
to be infringed
upon.

SECTION 3. Nothing in this act shall be so construed as to infringe upon the rights of any owner of land, on which said oysters are planted by said Luther and Boyce, their heirs or assigns. [Approved by the Governor, March 31, 1847.]

Chap 141. An Act to authorize William Fettyplace and Benjamin Lamson to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Bos-
ton, may be ex-
tended to the
line, &c.

William Fettyplace and Benjamin Lamson, proprietors of a wharf situate on Marginal street, in that part of Boston known as East Boston, and lying between and adjoining the land and wharves of Benjamin Lamson and William R. Lovejoy, and others, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided however*, that this grant shall not be construed to extend to

Provided, &c.

any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall, in no wise, affect the legal rights of any persons or corporations whatever. [*Approved by the Governor, March 31, 1847.*]

An Act to incorporate the Boylston Medical School.

Chap 142.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John Bacon, Junior, Charles E. Buckingham, and Edward H. Clarke, their associates and successors, are hereby made a corporation, by the name of the Boylston Medical School, to be established in the city of Boston, in the county of Suffolk, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate to an amount not exceeding twenty thousand dollars. [*Approved by the Governor, March 31, 1847.*]

Persons incorporated in Boston.

Estate not to exceed \$20,000.

An Act to establish Westminster Academy.

Chap 143.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Cyrus Mann, Robert Peckham, Benjamin Wyman, their associates and successors, are hereby made a corporation, by the name of the Proprietors of Westminster Academy, to be established in the town of Westminster, in the county of Worcester, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated in Westminster.

SECTION 2. Said corporation may hold real estate to an amount not exceeding five thousand dollars, and personal estate not exceeding three thousand dollars, exclusive of books and apparatus, to be devoted exclusively to the purposes of education. [*Approved by the Governor, March 31, 1847.*]

Real estate not to exceed \$5000 and personal, \$3000, exclusive of books, &c. to be devoted &c.

An Act in addition to an Act to authorize the extending of the Pine Grove Road, across Goff's Cove, in Cambridge.

Chap 144.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act of the year one thousand eight hundred and forty-six, chapter eighty-four, entitled "An Act to authorize the

Act of 1846, ch. 84, continued, &c.

extending of the Pine Grove Road, across Goff's Cove, in Cambridge," shall continue and remain in full force, *provided* said road be commenced before the first day of September next, and be completed within eighteen months from the passage of this act, any thing in said act to the contrary notwithstanding. [*Approved by the Governor, March 31, 1847.*]

Chap 145.

An Act to authorize the City of Boston to extend a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Boston may be extended to the line, &c.

The city of Boston, proprietors of a certain wharf, situate on Commercial street, in the northerly part of the city of Boston, are hereby authorized to extend and maintain their said wharf into the harbor channel, as far as the line established by the act, entitled "An Act concerning the harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise affect the legal rights of any persons whatever. [*Approved by the Governor, March 31, 1847.*]

Provided, &c.

Chap 146.

An Act to incorporate the Quincy Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Octavius T. Rogers, George Penniman, Joshua Emerson, their associates and successors, are hereby made a corporation, by the name of the Quincy Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and provisions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes relating to rail-road corporations, and in the public statutes which have been, or may hereafter be passed, relating to such corporations.

May purchase road of Granite Railway Company.

SECTION 2. Said company is hereby authorized to purchase, from the Granite Railway Company, who are hereby authorized to sell, at such price as may be mutually agreed upon, their road or railway, already built, with all the rights and privileges thereto belonging, and with all the authority or powers, for extending the same, which have heretofore been granted by the Legislature; and to hold, use, manage, and conduct the same, in the manner now provided by law concerning other rail-roads in this Commonwealth.

SECTION 3. The capital stock of the corporation, hereby created, shall consist of not more than three thousand shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors thereof. *[Approved by the Governor, March 31, 1847.]*

Capital stock
not to exceed
3000 shares of
\$100.

An Act to set off a part of the Town of Canton, and to annex the same to the Town of Stoughton.

Chap 147.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

So much of the town of Canton, with the inhabitants thereon, as lies southeasterly of the following described line, is set off from said town of Canton and annexed to said town of Stoughton, to wit:—Beginning at a stone town-bound, dividing Canton and Stoughton, on a public road, about twenty rods southerly from the house of Abner Tilden, in Canton; thence north sixty-two degrees east, nearly midway across York Pond, touching a wall between lands of Jeremiah Tucker and James Tucker, crossing Taunton turnpike, so called, near a mile-stone, to a point in the boundary line between Canton and Randolph, between High street and West street, in said Randolph, being distant from the first-mentioned bound one mile three quarters and thirty-two rods: *provided, however*, that the inhabitants and land thus set off, shall be holden to pay all taxes heretofore assessed, in the same manner as if this act had not been passed: *and provided, further*, that if any persons who have gained a legal settlement in Canton, by residence on said territory or by having been proprietors of any part thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved and supported by said town of Stoughton, in the same manner as if they had gained a legal settlement in that town. *[Approved by the Governor, March 31, 1847.]*

Territory set off
and annexed.

Collection of
taxes heretofore
assessed.

Provision for
support of pau-
pers.

An Act giving further Time to the President, Directors, and Company, of the Bank of Norfolk, to close their concerns.

Chap 148.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The president, directors, and company, of the bank of Norfolk, are hereby continued a body corporate, for the period of one year from the twenty-fourth day of April, in the year one thousand eight hundred and forty-seven, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. *[Approved by the Governor, March 31, 1847.]*

Incorporation
continued to
April 24, 1848.

Chap 149. An Act to incorporate the Coasters' Mutual Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated to in-
sure marine
risks in Boston
for 10 years, on
the mutual prin-
ciple.

SECTION 1. William H. Foster, Richard W. Shapleigh, Joseph P. Ellicott, their associates and successors, are hereby made a corporation, by the name of the Coasters' Mutual Marine Insurance Company, to be established in the city of Boston, for the purpose of making maritime loans, and insurance against maritime losses, on the principle of a mutual insurance company, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created, to continue for the term of ten years.

Policies not to
be issued till,
&c. nor divi-
dends to be
made till, &c.

SECTION 2. No policy shall be issued until the sum of fifty thousand dollars shall have been subscribed, and no division of any funds or profits shall be made to the subscribers, or stockholders, until the expiration of their charter; but such funds, or profits, shall be invested in such securities and stocks as are required by law, of insurance companies now incorporated.

Real estate not
to exceed
\$10,000, and
personal \$5000.

SECTION 3. Said corporation may hold real estate to the amount of ten thousand dollars, and personal estate to the amount of five thousand dollars, for the use thereof.

Not to insure
over \$5000, &c.
until, &c.

SECTION 4. Said corporation shall be restricted to an amount not exceeding five thousand dollars on any one risk, until its funds, or invested capital, shall reach the sum of one hundred thousand dollars. [*Approved by the Governor, April 1, 1847.*]

Chap 150.

An Act relating to Pilotage in the Harbor of Provincetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Vessels may
enter and leave
Provincetown
without a pilot.

SECTION 1. Persons navigating vessels into or out of the harbor of Provincetown, if they so elect, may do so without being obliged to take a pilot, or being subject to a charge for pilotage.

Rates of pilot-
age.

SECTION 2. Whenever the services of a pilot are required, he shall be entitled to receive the following rates of pilotage, to wit :—From any point east of a line drawn north from the light-house on Race Point, one dollar and fifty cents per foot; and from any point to the west or south of said line, seventy-five cents per foot inward, and on all vessels outward, fifty cents per foot, which rates are to be paid in proportion for every half foot of water, and no allowance to be made for any draught of water less than half a foot.

SECTION 3. All acts, or parts of acts, inconsistent with this act, are hereby repealed. [*Approved by the Governor, April 1, 1847.*]

Repeal of inconsistent provisions.

An Act authorizing the President, Directors, and Company, of the Lancaster Bank, to increase their Capital Stock.

Chap 151.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company, of the Lancaster Bank, in Lancaster, are hereby authorized to increase their present capital stock, by an addition thereto, of twenty-five thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, the whole amount shall be paid in, on or before the first Monday in October next.

Capital stock may be increased by \$25,000, in shares of \$100, &c.

Provided, &c.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Liabilities of increased capital.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 1, 1847.*]

Certificate, &c. to be returned to the Secretary.

An Act in addition to an Act to establish the City of New Bedford.

Chap 152.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Nothing contained in the act entitled "An Act to establish the City of New Bedford," shall be so construed as to prevent the votes of the inhabitants of New Bedford, in the county of Bristol, which shall be cast for county commissioners on the first Monday of April, in the year eighteen hundred and forty-seven, from being received, counted, and accepted, in the same manner as if said act had not been passed.

Votes for county commissioners on annual town-meeting day to be received, counted, and accepted.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 2, 1847.*]

When to take effect.

An Act relating to Interest on certain Judgments.

Chap 153.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

All judgments for the payment of money, hereafter rendered, shall bear interest from the day of the rendition of the same, and any executions, issuing on such judgment, shall

Interest to be paid, from the day of rendition of judgment.

Form of executions and precepts, &c.

express the day on which said judgment was rendered, and the precept thereof shall command the officers, to whom it may be directed, to satisfy the same in full, with interest thereon, from the said date. [*Approved by the Governor, April 7, 1847.*]

Chap 154.

An Act to incorporate the Wilbraham Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to saw and manufacture lumber, grind grain and plaster, and furnish steam power, in Wilbraham.

SECTION 1. Moses Hancock, James M. Bruner, John Bowers, their associates and successors, are hereby made a corporation, by the name of the Wilbraham Steam Mill Company, for the purpose of sawing and manufacturing lumber, grinding grain and plaster, and furnishing steam power for manufacturing and mechanical purposes, in the town of Wilbraham, county of Hampden, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$10,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount ten thousand dollars. [*Approved by the Governor, April 7, 1847.*]

Chap 155.

An Act to incorporate the Westminster Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to saw and manufacture lumber, grind grain and plaster, and furnish steam power, in Westminster.

SECTION 1. John White, Willard Allen, Joseph Whitman, their associates and successors, are hereby made a corporation, by the name of the Westminster Steam Mill Company, for the purpose of sawing and manufacturing lumber, grinding grain and plaster, and furnishing steam power for manufacturing and mechanical purposes, in the town of Westminster, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to exceed \$25,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount twenty-five thousand dollars. [*Approved by the Governor, April 7, 1847.*]

Chap 156.

An Act to incorporate the Ashby Steam Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Cushing Burr, Stephen Wyman, Jr., Hosea Kendall, their associates and successors, are hereby made a

corporation, by the name of the Ashby Steam Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of Ashby, county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture
cotton goods in
Ashby.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 7, 1847.]

Estate not to
exceed
\$100,000.

An Act to establish the Lancaster Academy.

Chap 157.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Henry Swift, John G. Thurston, and Ezra Sawyer, their associates and successors, are hereby made a corporation, by the name of the Lancaster Academy, to be established in the town of Lancaster, and county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incor-
porated in Lan-
caster.

SECTION 2. Said corporation may hold real and personal estate, to an amount not exceeding twenty-five thousand dollars, to be devoted exclusively to the purposes of education. [Approved by the Governor, April 7, 1847]

Estate not to
exceed \$25,000,
to be devoted,
&c.

An Act to incorporate the Hubbardston Steam Power Company.

Chap 158.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Ethan A. Greenwood, Henry Clemence, William B. Goodnow, their associates and successors, are hereby made a corporation, by the name of the Hubbardston Steam Power Company, for the purpose of sawing and manufacturing lumber, grinding grain and plaster, and furnishing steam power for manufacturing and mechanical purposes, in the town of Hubbardston, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to saw and
manufacture
lumber, grind
grain and plas-
ter, and furnish
steam power, in
Hubbardston.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, April 7, 1847.]

Estate not to
exceed \$50,000.

Chap 159. An Act to alter the Time of holding the Annual Meeting of the Proprietors of the Church in Brattle Square.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual meeting to be held on the third Monday in March.

Provided, &c.

The annual meeting of the proprietors of the church in Brattle Square, in Boston, shall be on the third Monday in March, instead of the second Monday in July: *provided* the said proprietors, at their annual meeting next to be holden on the second Monday in July, shall adopt this act as an amendment of their act of incorporation. [*Approved by the Governor, April 7, 1847.*]

Chap 160. An Act in addition to "An Act to provide for the Government and Management of Houses of Correction, in certain cases."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provisions of act of Feb. 4, 1846. § 3, extended to allowances to keepers of jails when united with houses of correction.

SECTION 1. The provisions of the third section of an act, entitled "An Act to provide for the Government and Management of Houses of Correction, in certain cases," passed on the fourth day of February, in the year one thousand eight hundred and forty-six, shall extend as well to allowances to keepers of jails, as to allowances to keepers of houses of correction, in all cases where jails and houses of correction are, or shall be, united in one and the same building, or establishment, provided for in the first section of said act.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1847.*]

Chap 161. An Act authorizing Philip M. Tew and others to plant Oysters in Assonet River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May plant, grow, and dig oysters in Berkley.

SECTION 1. Philip M. Tew, Hathaway W. Tew, Thomas J. Tew, George Peirce, and Joseph Dean, of Berkley, in the county of Bristol, their heirs and assigns, are hereby authorized to plant, grow, and dig oysters on the flats, and in the waters of Assonet River, a branch of Taunton Great River, in front and easterly of land of said Philip M., Hathaway W., and Thomas J. Tew, and said Peirce and Dean, in the town of Berkley, from high-water mark to the line of the town of Freetown; said land extending from the southerly line of land of George Peirce, northerly to a point in line of the north side of a building owned by Thomas J. Tew, near high-water mark.

Penalty for planting, digging, &c. within 20 years, with-

SECTION 2. Said Philip M., Hathaway W., and Thomas J. Tew, George Peirce, and Joseph Dean, their heirs and assigns, shall have the exclusive use of said waters and

flats, from high-water mark to the line of the town of Free-town, for the purpose of planting, growing, and digging oysters, for the term of twenty years. And if any person shall, within said limits, dig, or otherwise take any oysters during said term, without license from the above-named persons, their heirs or assigns, he shall forfeit and pay a fine not exceeding twenty dollars for each offence, to be recovered by said Philip M., Hathaway W., and Thomas J. Tew, George Peirce, and Joseph Dean, their heirs, or assigns, in any court proper to try the same.

out permission
of said Tew,
&c.

SECTION 3. Nothing in this act shall be so construed as to infringe upon the rights of any owner of land on which said oysters are planted by said Philip M. Tew, Hathaway W. Tew, Thomas J. Tew, George Peirce, and Joseph Dean, their heirs or assigns. [Approved by the Governor, April 7, 1847.]

Rights of own-
ers of land not
to be infringed
upon.

An Act to incorporate the Duxbury Branch Rail-road Company.

Chap 162.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Josiah Moore, Samuel Stetson, Samuel Knowles, their associates and successors, are hereby made a corporation, by the name of the Duxbury Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes relating to rail-road corporations, and the public statutes which have been or may be passed, relating to such corporations.

Persons incor-
porated.

SECTION 2. Said company is hereby authorized to construct and maintain a rail-road extending from some point between the house of Solomon Washburn and Andrew Stetson's shop, in Duxbury, to the westward of the dwelling-house of George P. Richardson, to some convenient point of intersection with the Old Colony Rail-road in Kingston.

Location of the
road.

SECTION 3. The capital stock of said rail-road company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and no assessment shall be laid, exceeding in the whole one hundred dollars on each share; and said corporation may invest and hold such part thereof in real estate as may be necessary and convenient for the purposes of their incorporation.

Capital stock
not to exceed
\$100,000 in
shares of \$100.

SECTION 4. If the location of said rail-road shall not be filed within one year, and said rail-road be not constructed within four years, from the passage of this act, then the same shall be void.

Time for loca-
tion and com-
pletion of road.

May unite with
Old Colony
Rail-road.

SECTION 5. Said Duxbury Branch Rail-road Company may also enter upon and unite their rail-road, by proper turnouts and switches, with the Old Colony Rail-road, at the point of intersection aforesaid, and use the same, or any part thereof.

The Legislature
may authorize
its use by any
other company.

SECTION 6. The Legislature may authorize any Company to enter with another rail-road upon and use the said Duxbury Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Duxbury Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

May transfer
property, &c.
to the Old Colo-
ny Rail-road
Corporation.

SECTION 7. The corporation hereby established is authorized to transfer all its property, rights, privileges, and franchise, under this charter, to the Old Colony Rail-road Corporation, or its successors, whenever the said last-named corporation, or its successors, shall elect to receive and hold the same, in such manner and upon such terms as shall be mutually agreed upon. And, upon such transfer, said Old Colony Rail-road Corporation shall enjoy and be invested with all the powers, privileges, and franchise, hereby granted, and shall be subject to all the restrictions and liabilities hereby imposed.

When to take
effect.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1847.*]

Chap 163.

An Act in addition to "An Act to establish the Stony Brook Rail-road Corporation."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May enter upon
and use the
Worcester and
Nashua, and
Peterborough
and Shirley
Rail-roads,

SECTION 1. The Stony Brook Rail-road Corporation are hereby authorized to enter with their rail-road, by proper turnouts and switches, upon the Worcester and Nashua, and upon the Peterborough and Shirley Rail-roads, in the southerly part of the town of Groton, and use the same, or any part thereof, according to the provisions of law.

and alter loca-
tion of road.

SECTION 2. Said corporation may alter the location of their road, keeping within the limits of their act of incorporation: *provided*, such altered location be filed with the county commissioners, for the county of Middlesex, on or before the first day of June, in the year one thousand eight hundred and forty-eight.

Provided, &c.

May construct
a branch.

SECTION 3. Said corporation may construct a branch rail-road, with one or more tracks, from their road in the town of Westford to the granite quarry in Snake Meadow Hill, so called, in said Westford: *provided*, the location of said branch shall be filed with the county commissioners within three years from the passage of this act.

Provided, &c.

When to take
effect.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 7, 1847.*]

An Act to change the Name of the Federal Street Baptist Society in Boston. *Chap 164.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Federal Street Baptist Society, in Boston, incorporated the twenty-first day of February, in the year one thousand eight hundred and thirty-four, shall be known and called by the name of the Rowe Street Baptist Society, and as such shall hold and possess all the property, and be entitled to all the rights and privileges, and subject to all the liabilities of said Federal Street Baptist Society.

To be called
the Rowe Street
Baptist Society.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 7, 1847.]

When to take
effect.

An Act to establish the State Reform School.

Chap 165.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. There shall be established, in the town of Westborough, in the county of Worcester, on the land conveyed to the Commonwealth for the purpose, a school, for the instruction, employment, and reformation, of juvenile offenders, to be called the State Reform School; and the government of said school shall be vested in a board of seven trustees, to be appointed and commissioned by the Governor, by and with the advice of the council.

School for ju-
venile offenders
in Westbor-
ough.

Government
thereof.

SECTION 2. It shall be the duty of said board of trustees, to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the Legislature, and of such by-laws as the board may, from time to time, adopt, for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge, or remand them, as is hereinafter provided; to appoint a superintendent, a steward, a teacher or teachers, and such other officers as, in their judgment, the wants of the institution may require; to prescribe the duties of the superintendent and other officers; to exercise a vigilant supervision over the institution, its officers, and inmates; to remove such officers at pleasure, and appoint others in their stead; and to determine the salaries to be paid to the officers, respectively,—subject, in all cases, to the approval of the governor and council. The trustees shall also prepare, and submit to the inspection of the governor and council, a code of by-laws, which shall not be valid until sanctioned by them. The by-laws may, subsequently, be enlarged or amended, by the assent of five members of the board of trustees, at any legal meeting of said board, and not otherwise; but no alteration shall be

Duties of Trus-
tees.

By-laws.

valid until it shall have been approved by the governor and council.

Governor to issue proclamation as soon as, &c.

SECTION 3. As soon as the governor shall have been notified, by the commissioners to be appointed under a resolve "for erecting the State Reform School Buildings," that said buildings are prepared for occupancy, he shall, forthwith, issue his proclamation, giving public notice of the fact.

Male convicts under sixteen may be sentenced, &c.

SECTION 4. After proclamation shall have been made, as provided in the third section of this act, when any boy, under the age of sixteen years, shall be convicted of any offence, known to the laws of this Commonwealth, and punishable by imprisonment, other than such as may be punished by imprisonment for life, the court, or justice, as the case may be, before whom such conviction shall be had, may, at their discretion, sentence such boy to the State Reform School, or to such punishment as is now provided by law for the same offence. And if the sentence shall be to the Reform School, then it shall be in the alternative, to the State Reform School, or to such punishment as would have been awarded if this act had not been passed.

Reform School convicts to be kept, &c. till reformed and discharged, or bound out, or remanded to prison.

SECTION 5. Any boy, so convicted and sent to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall be remanded to prison, under the sentence of the court, as incorrigible, upon information of the trustees, as herein-after provided

Trustees, &c. may, in their discretion, deliver said convicts to be imprisoned.

SECTION 6. If any boy shall, upon any conviction, be sentenced to said school, and the trustees, or any two of them in the absence of the others, shall deem it inexpedient to receive him, or if he shall be found incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the boy, shall be delivered to the sheriff of any county or his deputy, or to the constable of any town, who shall, forthwith, commit said boy to the jail, house of correction, or state prison, as the case may be, in pursuance of the alternative sentence provided for in the preceding section of this act.

Period of commitment.

SECTION 7. All commitments, to this institution, of boys, of whatever age when committed, shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees, as herein-before provided; and whenever any boy shall be discharged therefrom, by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release

Release from liabilities at discharge from school.

from all penalties and disabilities which may have been created by such sentence.

SECTION 8. The trustees of this school shall have power to bind out all boys committed to their charge, for any term of time during the period for which they shall have been committed, as apprentices or servants, to any inhabitants of this Commonwealth; and the said trustees, and master or mistress, apprentice or servant, shall, respectively, have all the rights and privileges, and be subject to all the duties, set forth in the eightieth chapter of the Revised Statutes, in the same manner as if said binding or apprenticing were made by overseers of the poor.

Binding out to apprenticeship.

SECTION 9. The trustees shall cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity; they shall also be instructed in some regular course of labor, either mechanical, manufacturing, agricultural, or horticultural, or a combination of these, as shall be best suited to their age and strength, disposition and capacity; also such other arts and trades, as may seem to them best adapted to secure the reformation, amendment, and future benefit, of the boys; and, in binding out the inmates, the trustees shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, to the end that they may secure to the boys the benefit of a good example, and wholesome instruction, and the sure means of improvement in virtue and knowledge, and, thus, the opportunity of becoming intelligent, moral, useful, and happy citizens of this Commonwealth.

Course and purpose of instruction and discipline.

SECTION 10. The superintendent, with such subordinate officers as the trustees shall appoint, shall have the charge and custody of the boys. He shall himself be a constant resident at the institution; and shall discipline, govern, instruct, and employ, and use his best endeavors to reform the inmates, in such manner as, while preserving their health, will secure the formation, as far as possible, of moral, religious, and industrious habits, and regular, thorough progress and improvement in their studies, trades, and various employments.

Duties of the superintendent and assistants.

SECTION 11. The superintendent shall have the charge of the lands, buildings, furniture, tools, implements, stock, and provisions, and every other species of property pertaining to the institution, within the precincts thereof; he shall, before he enters upon the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of two thousand dollars, conditioned that he shall faithfully account for all moneys received by him as superintendent, and faithfully perform all the duties incumbent on him as such. He shall keep, in suitable books, regular and complete accounts of all his receipts and

Superintendent to give bond, &c.

To keep accounts, &c.

expenditures, and of all property entrusted to him, showing the income and expenses of the institution; and he shall account to the treasurer, in such manner as the trustees may require, for all moneys received by him, from the proceeds of the farm, or otherwise. His books, and all documents relating to the school, shall, at all times, be open to the inspection of the trustees, who shall, at least once in every six months, carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination. He shall

and a register.

Contracts made
by the superin-
tendent,

SECTION 12. All contracts, on account of the institution¹ shall be made by the superintendent in writing, and, when approved by the trustees, if their by-laws require it, shall be binding in law, and the superintendent, or his successor, may sue, or be sued thereon, to final judgment and execution; and no such suit shall abate by reason of the office of superintendent becoming vacant pending such suit, but any successor of the superintendent may take upon himself the prosecution or defence thereof, and, upon motion of the adverse party, and notice, he shall be required so to do.

Treasurer to
give bonds, &c.

SECTION 13. There shall be a treasurer, to be appointed by the governor and council, who shall, before he enters upon the discharge of the duties of his office, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him as treasurer; which bond, and also that of the superintendent, when approved, shall be filed in the office of the Treasurer and Receiver General.

Trustees to take
charge of the
farm, &c.

SECTION 14. The board of trustees shall be appointed forthwith, and they shall take charge of the farm in Westborough which belongs to the Commonwealth, except so much thereof as shall be needed for the purposes of the commissioners, for the erection of the buildings. When the governor shall have made proclamation that the buildings are ready for occupancy, the school and the buildings shall be at once in the charge of the trustees.

and to be chang-
ed annually, &c.

When two years shall have expired after the first appointment of a board of trustees, two trustees shall be appointed and commissioned annually; and, for this purpose, the places of the two senior members, as they stand arranged in their commission, shall be, thereafter, annually vacated. No trustee shall receive any compensation for his services; but he shall be allowed the amount of expenses incurred by him in the discharge of the duties of his office.

and to serve
gratuitously.

SECTION 15. One or more of the trustees shall visit the school at least once in every two weeks, at which time the boys shall be examined in the school-room and work-shop, and the register shall be inspected. A record shall be regularly kept, of these visits, in the books of the superintendent.

Visitations.

Once in every three months, the school, in all its departments, shall be thoroughly examined by a majority of the board of trustees, and a report made, showing the results of these examinations. Annually, in the month of December, an abstract of these quarterly reports shall be prepared, which, together with a full report by the superintendent, shall be laid before the governor and council, for the information of the Legislature. The treasurer shall also submit, at the same time, a financial statement, furnishing an accurate detailed account of the receipts and expenditures, for the year terminating on the last day of the month of November next preceding. [*Approved by the Governor, April 9, 1847.*]

Examinations.

Annual abstracts of reports of the same, &c.

An Act concerning the Powers of Cities and Towns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The mayor and aldermen of any city, and the inhabitants of any town, in this Commonwealth, shall have power and authority to make all by-laws that may be necessary to preserve the peace, good order, and internal police, of their respective cities and towns; and they may annex suitable penalties, not exceeding twenty dollars for any one breach thereof, to be recovered by complaint, before any justice of the peace for the county, or the police court of any city, in which the offence may be committed, and to enure to such uses as the city or town may direct, subject to the provisions of the thirteenth, fourteenth, and fifteenth sections of the fifteenth chapter of the Revised Statutes. [*Approved by the Governor, April 9, 1847.*]

Chap 166.

Mayor and aldermen of cities, [repealed by chap. 262,] and inhabitants of towns, may make by-laws, &c. with penalties, not exceeding \$20, &c.

An Act to incorporate the American Marble Statuary Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Blanchard, Josiah L. C. Amee, Manlius S. Clarke, their associates and successors, are hereby made a corporation, by the name of the American Marble Statuary Company, for the purpose of manufacturing marble, wood, shells, minerals, and other substances, into busts, statuary, and other useful and ornamental forms, in the city of Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities

Chap 167.

Persons incorporated,

to manufacture marble, wood, shells, minerals, &c. into busts, statuary, &c. in Boston.

ties, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to
exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 9, 1847.]

Chap 168.

An Act in addition to the several Acts in relation to the Beaches in the Town of Chelsea.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Owners or oc-
cupants may
take sand or
gravel from the
beaches, &c.

SECTION 1. All persons, owning or occupying any of the beaches in the town of North Chelsea, may take, or permit to be taken therefrom, any sand or gravel, to be applied to agricultural purposes, for the use of the inhabitants of said town : *provided*, that nothing herein contained shall be so construed, as to apply to the beaches known as "Long" and "Short" beaches.

Provided, &c.

Repeal of in-
consistent pro-
visions.
When to take
effect.

SECTION 2. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 9, 1847.]

Chap 169.

An Act to incorporate the Granite Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to erect a
steam mill, &c.
in Tyngsboro'.

SECTION 1. Nathaniel Brinley, John M. Washburn, Augustus Peirce, their associates and successors, are hereby made a corporation, by the name of the Granite Steam Mill Company, for the purpose of erecting a steam mill, in the town of Tyngsboro', county of Middlesex, for sawing and manufacturing lumber, grinding grain and plaster, and furnishing power for manufacturing and mechanical purposes, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

May erect a
water mill, in
connection, &c.

SECTION 2. Said corporation may erect a water mill, in connection with said steam mill, for the purposes aforesaid.

Estate not to
exceed \$50,000.

SECTION 3. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, April 9, 1847.]

Chap 170.

An Act concerning Partitions of Real Estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Returns of par-
titions, &c.
shall remain in

SECTION 1. In all cases of partition of real estate, whether made in the Supreme Judicial Court, Court of Common

Pleas, or Probate Court, the return of the commissioners, making such partition, shall remain in the office of the clerk of the courts, or in the registry of probate, as the case may be; and a copy thereof, certified by the clerk of the courts, if made in the Supreme Judicial Court or Court of Common Pleas, or by the register of probate, if made in the Probate Court, shall be recorded in the registry of deeds for the county where the land lies.

the office of clerk, &c. and certified copies, &c. be recorded in registry of deeds, &c.

SECTION 2. All records, in the registry of deeds, of partitions heretofore made, if no other objection exists thereto, shall be deemed valid and sufficient, whether recorded from the original return, or from a copy thereof, certified by the clerk or register of the court in which such partition was made. [*Approved by the Governor, April 9, 1847.*]

Registries heretofore made, to be valid whether recorded from original or copies, &c.

An Act to incorporate the Quincy Mutual Fire Insurance Company.

Chap 171.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John A. Green, William B. Duggan, and John L. Dimmock, their associates and successors, are hereby made a corporation, by the name of the Quincy Mutual Fire Insurance Company, in Quincy, in the county of Norfolk, for the term of twenty-eight years, for the purpose of insuring buildings, and all kinds of personal property, within this Commonwealth; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all laws subsequently made, so far as they may be applicable hereto. [*Approved by the Governor, April 12, 1847.*]

Persons incorporated in Quincy, to insure fire risks in Massachusetts, for twenty-eight years, on the mutual principle.

An Act to incorporate the Town of Monterey.

Chap 172.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. All that part of the town of Tyringham, in the county of Berkshire, which lies southerly of a line called the north squadron line of the house lots, commencing in the east line of said Tyringham, and at the northeast corner of house lot, number eighty-five, and the southeast corner of lot, number two, thence running west forty degrees north, to the line of Great Barrington, at the northwest corner of lot, number two hundred and thirty-two, and the southwest corner of lot, number two hundred and thirty-nine, is hereby incorporated into a separate town, by the name of Monterey; and the said Monterey is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Part of Tyringham set off.

Inhabitants of Monterey to pay taxes to collector of town of Tyrringham.

Monterey to pay proportion of debts due by Tyrringham, receive proportion of property, &c.; share of school fund and surplus revenue.

Provided, &c.

Records to be retained in Tyrringham and reports divided.

Support of paupers by respective towns.

Provisions for elections of State and United States officers.

Arbitration of questions arising between the towns.

SECTION 2. The inhabitants of Monterey shall be holden to pay, to the collector of the town of Tyrringham, all arrears of taxes, legally assessed on them in said town of Tyrringham before the passage of this act, and also shall be holden to pay their proportion of State and county taxes, that may be assessed on them previously to the taking of the next State valuation; said proportion to be ascertained and determined by the town valuation of the town of Tyrringham, next preceding the passage of this act; and the said town of Monterey shall be holden to pay their proportion of the debts due and owing from the town of Tyrringham, at the time of the passage of this act, and shall be entitled to receive their proportion of all corporate property, and all assets, now owned by the last-named town; and the town of Monterey shall be entitled to receive its share of the school fund belonging to the town of Tyrringham, together with its share of the surplus revenue, according to the valuation of the town, next preceding this act: *provided*, that said Monterey shall refund said surplus revenue, whenever called for by the government of the United States. The ancient records and books of the town of Tyrringham, shall be kept in that part of the town, in which the first settlement began, except the reports, which shall be divided equally between the said towns.

SECTION 3. Said towns of Tyrringham and Monterey shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

SECTION 4. Said town of Monterey shall continue to be a part of the town of Tyrringham, for the purpose of electing a representative to the General Court, State officers, senators, representative to Congress, and electors of President and Vice President of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment of the constitution; and all meetings for the choice of representative, and other officers aforesaid, shall be called by the selectmen of Tyrringham, and be holden in the town of Tyrringham; and the selectmen of Monterey shall make a true list of persons qualified to vote at every such election, and deliver the same to the selectmen of Tyrringham, seven days at least before any such election, by whom the same shall be taken and used, in the same manner as if it had been prepared by themselves.

SECTION 5. In case said towns should not agree in respect to a division of town paupers, town property, or town debts, or State or county taxes, the Court of Common Pleas, for the county of Berkshire, is hereby authorized to, and shall, upon petition of either town, appoint three competent and disinterested persons to hear the parties, and award thereon; and any award made by said three persons, or any two of them, and accepted by the said court, shall be final.

SECTION 6. Any justice of the peace, within and for the county of Berkshire, is hereby authorized to issue his warrant, directed to any principal inhabitant of said town of Monterey, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose, at their annual meetings.

Call of meeting
for the choice
of town officers

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, April 12, 1847.]

When to take
effect.

An Act to incorporate the Machinists' Bank, in Taunton.

Chap 173.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William Mason, Willard Lovering, Hezekiah W. Church, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Machinists' Bank, to be located in the town of Taunton, in the county of Bristol, and to continue a corporation until the first day of October in the year one thousand eight hundred and fifty-one, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes and laws of the Commonwealth relating to banks and banking.

Persons incor-
porated as
bankers in
Taunton, till
October 1, 1851.

SECTION 2. The stock in said bank shall be transferable only at its banking house, and in its books.

Stock transfera-
ble at banking
house, &c.
Capital to con-
sist of \$100,000
in shares of
\$100.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided* the whole be paid in on or before the first Monday of April in the year one thousand eight hundred and forty-eight. [Approved by the Governor, April 12, 1847.]

Provided, &c.

An Act to change the location of the Fulton Hardware Manufacturing Company.

Chap 174.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Fulton Hardware Manufacturing Company is hereby authorized to change its location, from the town of Woburn, to the town of West Cambridge, county of Middlesex. [Approved by the Governor, April 12, 1847.]

Location may
be in West Cam-
bridge instead
of Woburn-

An Act to incorporate the Exchange Bank.

Chap 175.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Solomon R. Spaulding, J. B. Kimball, Alexander Strong, their associates and successors, are hereby

Persons incor-
porated as
bankers in Bos-

ton, till October
1, 1851.

made a corporation, by the name of the President, Directors, and Company of the Exchange Bank, to be established in the city of Boston, and to continue a corporation until the first day of October in the year one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Stock transferable at banking house, &c.
Capital to consist of \$500,000, in shares of \$100

SECTION 2. The stock of said bank shall be transferable only at its banking house, and in its books.

SECTION 3. The capital stock of said corporation shall consist of five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct, *provided* the whole be paid in on or before the first day of April in the year one thousand eight hundred and forty-eight. [Approved by the Governor, April 12, 1847.]

Chap 176.

An Act to incorporate the Lake Rock Granite Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to quarry, hammer, and cut stone in Lynnfield and Danvers.

SECTION 1. Nathaniel Adams, George Spinney, Charles Spinney, their associates and successors, are hereby made a corporation, by the name of the Lake Rock Granite Company, for the purpose of quarrying, hammering, and cutting granite stone, in the towns of Lynnfield and Danvers, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$50,000, and capital stock \$100,000.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate, not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. [Approved by the Governor, April 12, 1847.]

Chap 177.

An Act to incorporate the St. Mary's Male Orphan Asylum.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Daniel B. Measures, Jeremiah Kelly, and Thomas Mooney, their associates and successors, are hereby made a corporation, by the name of the St. Mary's Male Orphan Asylum, for the purpose of maintaining destitute male orphans, with all the powers and privileges, and subject to all the liabilities, restrictions, and requirements, set forth in the forty-fourth chapter of the Revised Statutes.

Estate not to exceed \$50,000.

SECTION 2. Said corporation may take and hold real and personal estate, for the purpose aforesaid, to an amount not exceeding fifty thousand dollars. [Approved by the Governor, April 13, 1847.]

An Act to incorporate the Providence, Warren, and Fall River Rail-road Company.

Chap 178.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Andrew Robeson, Jr., William C. Chapin, and Johnson Gardner, their associates and successors, are hereby made a corporation, by the name of the Providence, Warren, and Fall River Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all other general laws which have been and shall be hereafter passed relative to rail-road corporations.

Persons incorporated.

SECTION 2. Said company is empowered to locate, construct, and maintain a rail-road, with one or more tracks, from the westerly side of Taunton River, opposite the compact part of the town of Fall River, in the town of Somerset and county of Bristol; thence running northwesterly, crossing the "Narrows" at Lee's River; thence to Cole's River, crossing the same at the southwesterly end of Long Point; and thence to the line of the State of Rhode Island near Barnaby's Corner, in the town of Warren; and then again commencing at the line of the State of Rhode Island, in the town of Seekonk, in said county, near the residence of Christopher Smith; and thence running northerly through said town of Seekonk to the line of the State of Rhode Island, at the city of Providence; and said company may also locate, establish, and maintain a steam-ferry from the terminus of said rail-road, on the westerly side of Taunton River, across said river, to the town of Fall River.

Location of the road.

SECTION 3. The capital stock of said company shall consist of not more than three thousand and five hundred shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may take, purchase, and hold such real estate, and may purchase, build, and hold such engines, cars, ferry-boats, and other things, and build such wharves, as may be necessary for the use of said rail-road and ferry, and for the transportation of passengers, goods, and merchandise.

Capital stock not to exceed 3,500 shares of \$100.

May hold real estate, &c.

SECTION 4. Said company may also enter upon and unite their rail-road, by proper turnouts and switches, with the Boston and Providence Rail-road, near the city of Providence, and use said rail-road, or any part thereof, according to the provisions of law.

May unite with the Boston and Providence Rail-road.

SECTION 5. If the location of said rail-road shall not be filed within one year, or said rail-road shall not be con-

Time for location and completion of road.

structed within four years, from the passage of this act, then the same shall be void.

The Legislature may authorize its use by any other company.

SECTION 6. The Legislature may authorize any company to enter with another rail-road upon, and use, the said Providence, Warren, and Fall River Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Providence, Warren, and Fall River Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature may reduce tolls and profits after five years.

Provided, &c.

SECTION 7. The Legislature may, from time to time, reduce the rate of tolls and other profits upon said road, after the expiration of five years from the time when said rail-road shall be opened for use: *provided, however*, that the said tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

May unite with the Providence, Warren, and Fall River Rail-road Company.

SECTION 8. Said company is hereby authorized to unite with the Providence, Warren, and Fall River Rail-road Company, incorporated by the State of Rhode Island, to build a rail-road within the State of Rhode Island, between the two pieces of rail-road hereby authorized to be constructed; and when the two companies shall have so united, the stockholders of the one company shall become stockholders of the other company; and the two companies shall constitute one corporation, by the name of the Providence, Warren, and Fall River Rail-road Company; and the franchise, property, and power, acquired under the authorities of the said States, respectively, shall be held and enjoyed by all the stockholders, in proportion to the number of shares, or amount of property, held by them, respectively, in either or both of said corporations.

One officer of the corporation, after such union, must be an inhabitant of Massachusetts.

SECTION 9. One or more of the directors, or other officers, of said united corporations, shall, at all times, be an inhabitant of this Commonwealth, on whom process against said company may be legally served; and said company shall be held to answer in the jurisdiction where the service is made and the process is returnable.

Company to keep separate accounts; commissioners to decide concerning expenditures and to approve of annual report.

SECTION 10. Said company shall keep separate accounts of their expenditures in Massachusetts and Rhode Island, respectively; and two commissioners shall be appointed, one by the governor of each of said States, to hold their offices for the term of four years, and to be reasonably compensated by said company, who shall decide what portion of all expenditures of said company, and of its receipts and profits, properly pertain to that part of the road lying in said States, respectively; and the annual report required to be made to the Legislature of this Commonwealth shall be approved by said commissioners.

Liabilities of the corporation in Massachusetts.

SECTION 11. Said company, and the stockholders therein, so far as their road is situated in Massachusetts, shall be

subject to all the duties and liabilities created by the provisions of the laws of this Commonwealth, to the same extent as they would have been if no union of said companies had taken place.

SECTION 12. The provisions contained in the four preceding sections, and all the provisions of this act which contemplate a union of said companies, shall not take effect until they shall have been accepted by the stockholders of said two corporations, respectively, at legal meetings called for that purpose. [*Approved by the Governor, April 13, 1847.*]

When provisions concerning a union are to take effect.

An Act authorizing the construction of a Bridge across Neponset River. Chap 179.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The county commissioners of the county of Norfolk are hereby authorized to alter the location of the existing bridge over Neponset River, at Milton Mills Village, and to construct a new bridge below the present one, not exceeding sixty feet easterly of the terminus thereof, on the southerly side of said river, and on the northerly side of said river, easterly to the southwest corner of the dwelling-house owned by John Preston, if, in their judgment, the public necessity or convenience require such alteration and construction, according to the provisions of the twenty-fourth chapter of the Revised Statutes.

Location of bridge.

SECTION 2. Said commissioners are authorized to discontinue the present bridge at said mills, if, after the alteration above mentioned, they shall judge the same to be expedient. [*Approved by the Governor, April 13, 1847.*]

Present bridge to be discontinued if deemed expedient.

An Act to incorporate the Charlestown Lead Company.

Chap 180.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William B. Sawyer, Francis Curtis, Nathaniel Jenkins, their associates and successors, are hereby made a corporation, by the name of the Charlestown Lead Company, for the purpose of manufacturing lead in its various forms in the city of Charlestown, county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture lead in Charlestown.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars. [*Approved by the Governor, April 13, 1847.*]

Real estate not to exceed \$25,000, and capital stock \$75,000.

Chap 181.

An Act relating to Rail-road Land Damages.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Juries may be applied for within a year after completion and return of commissioners' estimates.

SECTION 1. The time within which a party may apply for a jury, pursuant to the fifty-seventh section of the thirty-ninth chapter of the Revised Statutes, is hereby extended, so that such application may be made at any time within one year after the estimate of the county commissioners shall be completed and returned.

Proceedings for recovery of damages, &c. may be renewed within one year after abatement, reversal, &c.

SECTION 2. If any party shall have made application to the county commissioners, for the assessment of damages against any rail-road corporation, within the time limited by law therefor, or shall have been summoned in and made a party to any application for a jury to assess damages against such corporation made by any other person, or shall have petitioned for a jury to assess such damages, and such application, or petition, or coming in to become a party to such other petition, or the proceedings thereupon, shall be quashed or abated, or otherwise avoided or defeated, for any inaccuracy, irregularity, or matter of form ; or if, after a verdict for such applicant or petitioner, or other party, as aforesaid, the judgment shall be arrested or reversed on a writ of error, or the proceedings quashed on certiorari, such applicant, petitioner, or other party, may commence proceedings anew, for the recovery of damages, at any time within one year from the abatement, reversal, or other determination, of such petition, application, or proceedings. [Approved by the Governor, April 13, 1847.]

Chap 182.

An Act concerning the Eastern Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Arrangements may be made with Chelsea Branch Rail-road Company, &c.

SECTION 1. The Eastern Rail-road Company are hereby authorized to make such arrangements with the Chelsea Branch Rail-road Company as shall be mutually agreed upon by said companies, for the construction, use, and maintenance of one or more rail-road tracks within the chartered routes of said Chelsea Branch Rail-road Company, for the exclusive use of said Eastern Rail-road Company : *provided*, that the authority hereby granted be exercised subject to the same provisions that are contained in "An Act to incorporate the Chelsea Branch Rail-road Company," passed April the tenth, in the year one thousand eight hundred and forty-six, and in "An Act concerning the Chelsea Branch Rail-road Company," passed February the twenty-third, in the year one thousand eight hundred and forty-seven.

Provided, &c.

SECTION 2. Said Eastern Rail-road Company are hereby authorized, with the consent of the Chelsea Branch Rail-road Company, to subscribe, hold, and dispose of, such number of shares in the capital stock of said Chelsea Branch Rail-road Company, as said Eastern Rail-road Company may deem for their interest, not exceeding one fourth of the capital stock aforesaid.

Eastern Com-
pany may pur-
chase shares,
&c.

Provided, &c.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 13, 1847.]

When to take
effect.

An Act relating to the Abstracts of School Returns and the Duties of School Committees.

Chap 183.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The abstracts of school returns, prescribed by the statute of eighteen hundred and thirty-seven, chapter two hundred and forty-one, shall, hereafter, be made up by the Secretary of the Board of Education ; and so much of any act, as provides that the said abstracts shall be made up in the office of the Secretary of State, is hereby repealed.

Abstracts to be
made by Secre-
tary of the
Board of Edu-
cation.

SECTION 2. Any city or town may withhold such compensation as the school committee of such city or town are now authorized, by law, to receive, if such town shall have forfeited its due portion of the income of the school fund through the failure of such committee to comply with the provisions of the law in relation to school returns. [Approved by the Governor, April 14, 1847.]

Towns losing
their income
from School
Fund, &c. may
withhold com-
pensation from
school commit-
tees.

An Act extending the time for locating a portion of the Connecticut River Rail-road.

Chap 184.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The time prescribed by law for the filing of the location of the Connecticut River Rail-road, as far as the town of Greenfield, with the county commissioners for the county of Franklin, is hereby extended to the first day of May in the year one thousand eight hundred and forty-seven ; and the due filing of said location by the Connecticut River Rail-road Company, on or previous to said date, shall have the same effect, and be in all respects as valid, as though filed within the period specified in the act incorporating said company, approved on the twenty-fifth day of January, in the year one thousand eight hundred and forty-five.

Time for filing
location of road
extended to
May 1, 1847.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 14, 1847.]

When to take
effect.

Chap 185.

An Act concerning the Boston and Lowell Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of
branch roads.

SECTION 1. The Boston and Lowell Rail-road Corporation are hereby authorized and empowered to locate, construct, and maintain, branches of their road, not exceeding twenty feet in width, as follows: Commencing at the northerly terminus of their road in Lowell, crossing Merrimack street, and running along the northerly side of Moody street to Tremont street, thence crossing Tremont street, and running northerly along the westerly side of the same, across Hall street, to the yard of the Lawrence Manufacturing Company, with a spur into the yard of the Tremont Mills:

Also, a branch from the last described branch, commencing at a point in said Tremont street, near the southerly corner of the yard of the Tremont Mills, and running westerly, across the Western Canal and Suffolk street, to the mill-yard of the Suffolk Manufacturing Company, with a spur from the same into the yard of the Tremont Mills:

Also, a branch extending from the northerly terminus aforesaid, across Merrimack street on the easterly side of Dutton street, northerly to or near the yard of the Merrimack Manufacturing Company, thence easterly along the Eastern Canal to Bridge street, and across said street, and continuing on or near the track now used by the said rail-road corporation, to and across Merrimack street, and thence southerly, by the Prescott Mills, so called, to Pawtucket Canal, and thence across said canal to the mill-yard of the Middlesex Manufacturing Company, with a right to enter by spurs into the yards of the Boott Mills and the Massachusetts Cotton Mills:

Also, a branch extending from the yard of the engine-house of the Boston and Lowell Rail-road Corporation, easterly, along the Appleton and Hamilton Canal, to Central street in said Lowell:

Also, a branch from their rail-road track easterly of, and near to, the county road leading to Billerica; thence crossing Moore street to the yard of the Lowell Bleachery.

Powers and duties in respect
to branch roads.

SECTION 2. Said corporation shall, with respect to all the branches hereby authorized, be subject to all the duties, liabilities, and restrictions, and have all the powers and privileges, provided in the thirty-ninth chapter of the Revised Statutes, and all general laws which are now, or may be hereafter, in force, relating to rail-road corporations in this Commonwealth.

Powers hereby
granted not to
be exercised
until, &c.

SECTION 3. The powers hereby granted shall not be exercised till the said corporation shall have fully indemnified the city of Lowell against all claim of damages, by the

Merrimack Manufacturing Company, against said city, for widening Moody street, on the southerly side thereof, by the resolution passed the twenty-first day of September last, or have given an obligation to said city, so to indemnify them, to the satisfaction of the mayor of Lowell.

SECTION 4. Said rail-road corporation shall be liable to the said city for all loss or damage thereto, caused by the construction and use of said branches, or by the negligence of their agents and workmen thereon, over and along said streets, or any street hereafter laid out across the said branches.

Liability to the City of Lowell for damage, &c.

SECTION 5. The motive power used by the said rail-road corporation upon all the aforesaid branches, and the rate of speed thereon, may be regulated and controlled by any ordinance of the city of Lowell: *provided*, that in no case shall steam be used as a motive power, upon any of the said branches. And the city council of Lowell may have and exercise, in respect to the said branches, all the powers given to county commissioners by the two hundred and seventy-first chapter of the statutes of the year eighteen hundred and forty-six.

City of Lowell to regulate motive power.

Steam not to be used, &c.

City Council to exercise power of county commissioners.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1847.*]

When to take effect.

An Act authorizing the President, Directors, and Company, of the Boston Bank, to increase their Capital Stock.

Chap 186.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company, of the Boston Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of three hundred thousand dollars, in shares of fifty dollars each, which shall be paid in at such time as the president and directors of said bank may direct and determine; *provided*, that said additional capital shall all be paid in on or before the first Monday of April, in the year one thousand eight hundred and forty-eight.

Capital may be increased by \$300,000. in shares of \$50, &c.

Provided, &c.

SECTION 2. The additional stock, aforesaid, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Liabilities of increased capital.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 14, 1847.*]

Certificate, &c. to be returned to the Secretary.

Chap 187.

An Act to incorporate the Quincy Point Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. James Newcomb, Joseph Richards, and George Newcomb, their associates and successors, are hereby made a corporation, by the name of the Quincy Point Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes which relates to rail-road corporations, and in all general laws which are now, or hereafter may be, in force, relating to rail-road corporations in this Commonwealth.

Capital stock
not to exceed
800 shares of
\$100 each.

SECTION 2. The capital stock of said corporation shall not exceed eight hundred shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Location of
road.

SECTION 3. Said company may locate, construct, and maintain, a rail-road, with one or more tracks, beginning at a convenient point near the eastern quarries of the town of Quincy, thence passing near the village of Quincy, on the most feasible route for constructing the road, crossing the Old Colony Rail-road, over or under the same, thence keeping on the southerly side of the road leading from Quincy to Hingham, to a point near the bridge on said road, then crossing the said road, near said bridge, to the wharves owned by Jackson and others, all said road being within the town of Quincy.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If the said company be not organized, and the location of said road filed, according to law, within one year, and if said road be not completed and opened for use within two years from the passage of this act, then this act shall be void.

May enter upon
and use the
Granite Rail-
road.

SECTION 5. Said company may enter with their rail-road upon the Granite Rail-road, in the most convenient point in the town of Quincy, and use the same, or any part thereof, according to the provisions of law.

May construct
branches.

SECTION 6. Said company are hereby authorized to construct branches, not exceeding half of a mile in length, for the purpose of leading to any of the stone quarries near the road, or of leading to any wharf or depot near its eastern terminus, and, for the purpose of constructing any such wharf, or forming any such depot, said company is hereby authorized to take such land as may be necessary for said depot or wharf, not exceeding three acres, making payment

for all land so taken, in the same manner as is provided by law concerning land taken for the construction of rail-roads.

SECTION 7. The Legislature may, from time to time, reduce the rate of toll, or other receipts on said rail-road, whenever the net income thereof shall exceed ten per cent. per annum; but the toll or other receipts shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on the investment in said company.

The Legisla-
ture may re-
duce tolls and
profits after five
years.

Provided, &c.

SECTION 8. The Legislature may authorize any company to enter with their rail-road at any point on the said Quincy Point Rail-road, and use the same, or any part thereof, by complying with such reasonable rules and regulations as the said Quincy Point Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legisla-
ture may au-
thorize its use
by any other
company.

SECTION 9. The said company may transfer their rights, privileges, and franchises, under this charter, to the Granite Rail-way Company, whenever a majority in interest of the stockholders of the aforesaid corporations shall elect so to do.

May transfer
property, &c.
to the Granite
Railway Com-
pany.

SECTION 10. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1847.*]

When to take
effect.

An Act to incorporate the Cambridge Wharf Company.

Chap 188.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John P. Monks, Asa Swallow, Caleb S. Pratt, their associates and successors, are hereby made a corporation, by the name of the Cambridge Wharf Company, with power to purchase, and hold in fee simple, or otherwise, all or any part of that tract of land, wharves, docks, and flats, situated in Cambridge, and bounded on the northeast by the Canal Bridge, and Cambridge street leading thereto; on the northwest, by the high lands at East Cambridge, and the highway leading thence to the causeway of West Boston Bridge; on the southwest, by said causeway and West Boston Bridge; and on the southeast, by the commissioners' line, recommended by James Hayward and Ezra Lincoln, Jr., in their report, dated March eleventh, in the year one thousand eight hundred and forty-six,—with all the privileges and appurtenances to said premises belonging; and the said corporation may, within the limits aforesaid, construct docks and wharves, lay vessels within and at the ends and sides thereof, and receive dockage and wharfage therefor; erect buildings, lay out streets and passage-ways, and otherwise manage and dispose of said property, as to them shall seem expedient: *provided*, that nothing herein contained shall authorize said corporation to infringe upon the legal rights of any person, or to construct any wharf or wharves below

Persons incor-
porated,

to purchase and
hold land,
wharves, &c. in
Cambridge.

May construct
docks, wharves,
&c.
erect buildings,
lay out streets
and passage-
ways, &c.

Provided, &c.

low-water mark, in Charles River, unless the same shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction.

Capital stock
not to exceed
2000 shares of
\$100.

Shares of non-
paying stock-
holders may be
sold.

Powers and
duties.

SECTION 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding two thousand, into which their stock shall be divided, which shares shall be transferable in a book to be kept for that purpose by the clerk of the corporation; and may, from time to time, assess upon the stockholders such sums of money, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvement, and management of their estate; and may, in case any stockholder shall neglect to pay any such assessment, cause as many of his shares in the stock of the corporation, as may be sufficient to pay such assessments, to be sold in such manner as the corporation by their by-laws shall determine.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 15, 1847.*]

Chap 189.

An Act to establish the Weir Branch Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Charles R. Atwood, Hezekiah W. Church, William H. Ingalls, their associates and successors, are hereby made a corporation, by the name of the Weir Branch Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes which relates to rail-road corporations, and in the public statutes subsequently passed, relating to such corporations.

Location of
road.

SECTION 2. Said corporation is hereby authorized to locate, construct, and maintain, a rail-road, with one or more tracks, from the New Bedford and Taunton Rail-road, commencing at a point on said road, in Taunton, near the Stone Ware Manufactory, thence diverging from said road, towards the Weir Village, by a curve of two hundred and thirty feet radius, a distance of four hundred feet, where it enters the public highway leading from the Neck of Land Bridge, (so called,) thence along the southern edge of the road six hundred and fifty feet, thence two hundred feet on the margin of a bend in Taunton River, at the foot of Weir street; thence ninety feet, passing near the margin of said river, and near the engine house, to the centre of the street leading through that portion of the Weir Village which is situate on

the north side of the river; thence along the centre of said street, seven hundred and thirty-eight feet, until it reaches the south side of said street, along the wharves occupied by A. J. Bosworth, Macomber, and others; thence along said wharves, one thousand sixty-two feet, to a point near the store occupied by Crocker, Brothers, & Co.; thence near the river five hundred and fifty feet, to the Old Brewery Wharf, (so called,) with the privilege of deviating from a point on the said New Bedford and Taunton Rail-road, two hundred and thirty feet north of the point above mentioned, near the Stone Ware Manufactory, and diverging thence, by a curve of six hundred and twenty feet radius, seven hundred feet, until it enters the south side of the highway above stated; and thence along the road, as before mentioned.

SECTION 3. The capital stock of said corporation shall consist of not more than one hundred and twenty shares, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and the said corporation may take, purchase, and hold such real estate, within this Commonwealth, as may be necessary or convenient for the purposes of their incorporation.

Capital stock
not to exceed
\$12,000 in
shares of \$100.

SECTION 4. Said corporation, so far as the location, construction, and maintenance, of their road, shall be over and upon any public street or highway, shall so locate, construct, and maintain the same, as not to obstruct or incommode the public travel over and upon said street or highway.

Not to obstruct
or incommode
public travel.

SECTION 5. The motive power to be used upon the road or track authorized to be constructed and laid by this act, and the rate of speed thereon, may be regulated and controlled by the selectmen, for the time being, of the town of Taunton: *provided*, that in no case shall steam be used as a motive power.

Selectmen of
Taunton to reg-
ulate motive
power,

provided steam
is not used.

SECTION 6. If the location of said rail-road be not filed, according to law, within one year from the passage of this act, or if the said rail-road shall not be completed in two years from the passage of this act, this act shall be void.

Time for loca-
tion and com-
pletion of road.

SECTION 7. Said corporation may transfer their rights, privileges, franchises, and property, under this charter, to the said New Bedford and Taunton Rail-road Corporation, or to the Taunton Branch Rail-road Corporation, either of which corporations is authorized to receive and hold the same whenever the stockholders in such corporation shall determine, at a legal meeting called for such purpose.

May transfer
property, &c. to
the New Bed-
ford and Taun-
ton or Taunton
Branch Rail-
road Corpora-
tion.

SECTION 8. The said rail-road corporation shall be liable to the said town for all loss or damage thereto, caused by the construction and use of said branch, or by the negligence of their agents and workmen thereon, over, and along said street. [*Approved by the Governor, April 16, 1847.*]

Liability of cor-
poration to
town for dam-
ages, &c.

Chap 190.

An Act to incorporate the Town of Lawrence.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Part of Methuen and Andover to be set off.

Boundary lines.

SECTION 1. All the territory now within the towns of Methuen and Andover, in the county of Essex, comprised within the following limits,—that is to say, by a line beginning at the mouth of Shawsheen River, at its easterly bank, thence running southerly, by said easterly bank, to a stake at the bend in said river, a few rods westerly of the bridge, where it is crossed by the Salem Turnpike; thence in a straight line westerly, to a marked stone in the wall, at the easterly corner of the intersection of roads, by Jacob Barnard's house; thence northerly, in a straight line across Merrimack River, passing between the house of Asa Barker and that of Ebenezer Barker, on the Tower-Hill Road, leading from Methuen to Lowell, to a stake, about two thousand one hundred and fifty feet northerly from where the line crosses said road; thence northeasterly to a monument on the easterly side of Londonderry Turnpike, passing a little northerly of the house of Abiel Stevens; thence easterly in a straight line, to a monument at the intersection of Lawrence street with the old road which runs easterly from Stevens' factory towards Haverhill; thence in a straight line easterly, passing north of William Swan's house, through a monument about four hundred feet south of the intersection of the roads, near said Swan's house, to the line of the town of Andover, in Merrimack River; thence running by the said line of Andover westerly, to the easterly bank of Shawsheen River, at the point of starting,—is hereby incorporated into a town, by the name of Lawrence; and the said town of Lawrence is hereby invested with all the privileges, powers, rights, and immunities, and subject to all the duties and requisitions, to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Construction and maintenance of bridges over Shawsheen River.

Inhabitants of Lawrence to pay arrears of taxes to treasurers of Methuen and Andover

SECTION 2. The town of Lawrence shall make and maintain all bridges for public highways, over the Shawsheen River, so far as the easterly bank of said river is a boundary of the said town, including the masonry of the abutments of said bridges, on the easterly bank thereof.

SECTION 3. The inhabitants of the said town of Lawrence shall be holden to pay all arrears of taxes, which have been legally assessed upon them by the towns of Methuen and Andover, respectively; and all taxes heretofore assessed, and not collected, shall be collected and paid to the treasurers of the towns of Methuen and Andover, respectively, in the same manner as if this act had not been passed; and also their proportion of all county and State taxes, that may be assessed upon them previously to the next State valua-

tion—that is to say, two thirds of the State and county taxes that may be assessed upon the town of Methuen, and one eighth of the state and county taxes that may be assessed upon the town of Andover, till the next State valuation.

SECTION 4. The parts of the said town of Lawrence, now belonging to the towns of Methuen and Andover, respectively, shall remain parts of the said towns of Methuen and Andover, for the purpose of electing the representatives to which said towns are respectively entitled, and for the purpose of electing State officers, senators, representatives to Congress, and electors of President and Vice President of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the constitution; and the meetings for the choice of such representatives, and the other officers aforesaid, shall be called by the selectmen of the said towns, respectively; the selectmen of Lawrence shall make a true list of persons belonging to the territory of each of said towns, hereby incorporated into the town of Lawrence, qualified to vote at every such election, and the same shall be taken and used by the selectmen of said respective towns, for such elections, in the same manner as if prepared by themselves.

Provisions for the choice of State and Federal officers.

SECTION 5. The said towns of Methuen, Andover, and Lawrence, shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence within their respective limits; and the said town of Lawrence shall, within one year from the time of its organization under this act, pay to the town of Methuen one thousand dollars, as and for their just proportion of the debts of the town of Methuen, owing at the time of the passage of this act, exclusive of the amount of the surplus revenue of the United States, in the treasury of the town of Methuen; and the town of Lawrence shall also pay two thirds of the amount of said surplus revenue, whenever its repayment shall be demanded by the United States, according to law; and shall also pay to the town of Methuen, the amount that said town shall pay for building Haverhill street, so called, within the limits of said town of Lawrence, as ordered by the county commissioners for the county of Essex.

Support of paupers.

Debt of Lawrence to Methuen.

Lawrence to refund portion of surplus revenue, whenever, &c.

and pay Methuen for building Haverhill street.

SECTION 6. Any justice of the peace, in the county of Essex, is hereby authorized to issue his warrant, directed to any principal inhabitant of the town of Lawrence, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose, at their annual meetings; and such justice, or, in his absence,

Call of meeting for choice of town officers.

such principal inhabitant, shall preside till the choice of a moderator, in said meeting.

When to take
effect.

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, April 17, 1847.]

Chap 191.

An Act to incorporate the Faneuil Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. Gilbert Haven, Uriah Chamberlain, S. Albert Cox, their associates and successors, are hereby made a corporation, by the name of the Faneuil Iron Company, for the purpose of manufacturing iron in the town of Malden, county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to manufacture
iron in Malden.

Real estate not
to exceed
\$50,000, and
capital stock
\$150,000.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed one hundred and fifty thousand dollars.

When to take
effect.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 17, 1847.]

Chap 192.

An Act to incorporate the Monterey Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

SECTION 1. George G. Babcock, Ovid Plumb, second, Frederick Plumb, their associates and successors, are hereby made a corporation, by the name of the Monterey Iron Company, for the purpose of making iron and manufacturing the same in its various forms, in the towns of Monterey and New Marlborough, county of Berkshire, or in either of said towns, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to make and
manufacture
iron in Monte-
rey and New
Marlborough.

Estate not to
exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars.

When to take
effect.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 17, 1847.]

An Act to repeal an Act establishing a Fire Department in the town of Springfield. *Chap 193.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. An act entitled "An Act establishing a Fire Department in the town of Springfield," passed on the fifth day of March, in the year one thousand eight hundred and thirty, is hereby repealed. *Repeal of act of March 5, 1830.*

SECTION 2. This act shall take effect from and after its passage. *When to take effect.* [Approved by the Governor, April 17, 1847.]

An Act to define the Limits of certain Towns on Taunton Great River, and concerning the Oyster Fishery therein. *Chap 194.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The centre of the main ship channel of Taunton Great River is hereby established as the boundary line of the towns of Berkley, Dighton, Freetown, Fall River, and Somerset; and the centre of the main ship channel of Assonet River, from the point where it intersects the main ship channel of Taunton Great River, passing up said Assonet River to a place called the "Turn," is hereby established as the boundary line between the towns of Berkley and Freetown. *Boundary lines of Berkley, &c. established in the channel of Taunton Great River and Assonet River.*

SECTION 2. No person shall take any oysters from their beds, or destroy them, or wilfully obstruct their growth therein, or on any flats within the limits of either of the said towns of Berkley, Dighton, Freetown, or Fall River, except as is hereinafter provided; and every person who shall otherwise take, destroy, or obstruct the growth of said oysters, in any of the aforesaid towns, shall forfeit and pay a sum, not less than ten nor more than one hundred dollars, for each and every offence, to be recovered by indictment or information, or on complaint before a justice of the peace in the county where the offence was committed; one half thereof to the use of the county, and the other half to the use of the informer or complainant; and in every case of neglect or refusal of any person, convicted under any of the provisions of this act, to pay such fine and costs, such person so neglecting or refusing shall be imprisoned in the county jail for a term not less than ten nor more than sixty days. *Prohibition of taking oysters, &c. on certain flats.*

Penalty.

SECTION 3. From the first day of September in each year to the first day of June following, every householder of either of the said towns of Berkley, Dighton, Freetown, and Fall River, may take oysters from the beds and flats within the limits of their respective towns, for the use of *Privilege to householders of taking oysters.*

himself and his family, not exceeding three bushels in any one month.

Control of towns
over oyster fish-
ery.

SECTION 4. Each of the aforesaid towns of Berkley, Dighton, Freetown, and Fall River, shall, in their corporate capacities, have the exclusive right to, and control of, the residue of the oyster fishery, within their respective limits, as defined in the first section of this act; and each of said towns shall have the right, privilege, and power, from time to time, to sell, at public or private sale, the right, privilege, and power, to take said oysters, within their respective limits, as the said respective towns, by their vote or votes, at any legal meeting holden for that purpose, may direct; and the moneys arising from any such sale or contract shall be paid into the treasury of the town: *provided, however*, that said town shall not have the right and power to sell to any person, or to take themselves, any oysters from their beds and flats, from the first day of June to the first day of September in each year.

Provided, &c.

Elections and
duties of oyster
wardens.

SECTION 5. The several towns of Berkley, Dighton, Freetown, and Fall River, shall, at their several annual meetings, in the months of March or April, or at any legal meetings holden for that purpose, choose by ballot three or more suitable persons, being freeholders in such town, as oyster wardens, whose duty it shall be to see that the provisions of this act are duly enforced, and to prosecute for all breaches thereof; and such oyster wardens shall be sworn to the faithful discharge of their duty; and if either of the towns aforesaid shall neglect or refuse to choose oyster wardens, as aforesaid, according to the true intent and meaning of this act, such town shall forfeit and pay a fine of one hundred dollars to the use of him who shall prosecute therefor.

Penalty on
towns for failure
to elect.

Vessels, &c. to
be taken and
held for pay-
ment, &c.

SECTION 6. If any vessel, boat, or craft, shall be found within the limits of either of said towns, with any oysters on board, or within the limits of the town of Somerset, with oysters on board, and taken in either of the towns of Berkley, Dighton, Freetown, or Fall River, the said vessel, boat, or craft, shall be liable to be taken and held for the payment of the fines and penalties provided for by this act, and the costs; and it shall be lawful for any oyster warden chosen by virtue of this act to seize and take such vessel, boat, or craft, and detain the same, not exceeding forty-eight hours, in order that the same, if need be, may in that time be attached or arrested, by due process of law, to satisfy the said fines and penalties, and costs, according to the provisions of this act: *provided, however*, that if the owner or master of any such vessel, boat, or craft, shall, before prosecution is instituted for the same, pay such forfeiture as shall be demanded by the oyster warden seizing and detaining such vessel, boat, or craft, for the benefit of

Oyster wardens
may take and
detain vessels,
&c.

Provided, &c.

the town wherein such oysters shall have been taken, to be paid to the treasurer thereof, then such vessel, boat, or craft, shall be discharged.

SECTION 7. All laws heretofore made for the regulation of the oyster fishery in either of said towns of Berkley, Dighton, Freetown, and Fall River, and inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect on the tenth day after its passage. [*Approved by the Governor, April 17, 1847.*]

Repeal of inconsistent provisions.

When to take effect.

An Act concerning Mortgages held by the Commonwealth.

Chap 195.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In any case where the Treasurer and Receiver General of the Commonwealth is now authorized by law to execute a discharge of any mortgage held by the Commonwealth, he may, instead of such discharge, if he deems it expedient or proper, execute and acknowledge an assignment of such mortgage; and such assignment shall have the same effect, and operate in the same manner, as assignments of mortgages in similar terms made by any other mortgagee: *provided, however*, that no liability, express or implied, shall be deemed or taken to have been incurred, on the part of the Commonwealth, by reason of any assignment made and executed in pursuance of the provisions of this act. [*Approved by the Governor, April 17, 1847.*]

Treasurer to discharge or assign mortgages held by the Commonwealth.

Provided, &c.

An Act to incorporate the Walpole Reservoir Company.

Chap 196.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Edmund P. Tileston, Joshua Stetson, Jr., Francis W. Bird, their associates and successors, are hereby made a corporation, by the name of the Walpole Reservoir Company, for the purpose of creating a reservoir of water, by constructing and maintaining a dam, in the town of Walpole, county of Norfolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to create a reservoir and construct and maintain a dam in Walpole.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount twelve thousand dollars. [*Approved by the Governor, April 19, 1847.*]

Estate not to exceed \$12,000.

Chap 197.

An Act to establish the Mahaiwe Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated as
bankers in
Great Barrington,
till October 1, 1851.

SECTION 1. Increase Sumner, Samuel Rosseter, Asa C. Russell, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company of the Mahaiwe Bank, to be located in the town of Great Barrington, in the county of Berkshire, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one, and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Stock transfer-
able at banking-
house, &c.

SECTION 2. The stock of said bank shall be transferable only at its banking-house, and in its books.

Capital to con-
sist of \$100,000
in shares of
\$100, &c.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct : *provided* the whole be paid in within one year from the passage of this act. [Approved by the Governor, April 19, 1847.]

Provided, &c.

Chap 198.

An Act in addition to an Act entitled "An Act to establish the City of Roxbury."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for elec-
tions of mayor,
aldermen,
and common
council men.

SECTION 1. The election of the mayor, aldermen, and common council men, and such other officers of the city of Roxbury as are now, by law, to be chosen on the second Monday in March, annually, shall in future be made on the second Monday of December, annually ; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections, as is provided in and by the act to which this act is in addition.

Officers to en-
ter upon their
duties on the
first Monday
in January.
Their powers
and duties.

SECTION 2. The officers chosen under, and by virtue of, this act, shall enter on the duties of their respective offices on the first Monday in January, in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers, to which the said officers are respectively subject or entitled, under and by virtue of the act to which this is in addition.

Mayor and al-
dermen to pre-
pare lists of
jurors.

SECTION 3. The list of jurors in the city of Roxbury shall be prepared by the mayor and aldermen of the city, in the same manner as is required, in the ninety-fifth chapter of the Revised Statutes, to be done by the selectmen within

and for their respective towns ; and the lists, when made out by the mayor and aldermen, shall be deemed complete, without being submitted to the inhabitants of the city, or to the common council, for revision and alteration by them.

SECTION 4. The said mayor and aldermen, and the clerk of the city, shall severally have and exercise all the powers and duties with regard to the drawing of jurors in the city of Roxbury, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town clerks in their respective towns ; and all venires for jurors, to be returned from Roxbury, shall be served on the said mayor and aldermen.

Powers and duties of mayor and aldermen, and city clerk, as to jurors.

Venires to be served on the mayor and aldermen.

SECTION 5. This act shall be void, unless the inhabitants of Roxbury, at any general meeting duly warned by public notice of at least fourteen days by the mayor and aldermen, shall, (within sixty days from the passing hereof,) by written vote, adopt the same.

Act to be void unless adopted by inhabitants, &c.

SECTION 6. All the provisions of the act to which this is in addition, or of any other act inconsistent with the provisions of this act, shall be, and hereby are, repealed. [Approved by the Governor, April 19, 1847.]

Repeal of inconsistent provisions.

An Act relating to Returns of County Commissioners and other Officers.

Chap 199.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners, or either of them, or any other officer, who shall neglect to comply with the duties required of them in the thirty-second, thirty-fifth, and thirty-seventh sections of the fourteenth chapter of the Revised Statutes, and in the one hundred and thirty-seventh chapter of the statutes of the year one thousand eight hundred and thirty-six, shall forfeit to the Commonwealth, fifty dollars. [Approved by the Governor, April 19, 1847.]

Penalty for neglect of certain duties.

An Act to authorize the Fitchburg Rail-road Company to extend their Road to the City of Boston.

Chap 200.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Fitchburg Rail-road Company are hereby authorized and empowered to extend, construct, and maintain their rail-road into the city of Boston, beginning at some convenient point on the depot ground of said company in Charlestown ; thence crossing Charles River by a bridge, easterly of the bridge of the Boston and Maine Railroad, and passing across Warren Bridge, southerly of the draw in said Warren Bridge ; thence easterly of Haverhill street to Causeway street, in the city of Boston ; said rail-

Road to be extended into Boston.

Direction and dimensions.

road to be but twenty-six feet wide, except for the distance of seven hundred and thirty feet, northerly of said Causeway street, where the same may be sixty feet wide, and not more;—with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, provided in all general laws which are now, or may be hereafter in force, relating to rail-roads in this Commonwealth.

Bridge not to pass within 175 feet of the bridge of the Boston and Maine Rail-road.

SECTION 2. The bridge hereby authorized, measuring at a right angle therefrom, at the place where it intersects Warren Bridge, shall not pass within one hundred and seventy feet of the present bridge of the Boston and Maine Rail-road, measuring from the outside stringer on each bridge.

Location, dimensions, &c. of bridge and street, to be maintained, &c.

SECTION 3. The said company are hereby authorized and required to construct, and open for public travel, a new bridge and street, commencing, at least fifty feet wide, at Warren Bridge, south of the draw, and between said draw and the place where said bridge is crossed by their rail-road, thence passing east of their said rail-road to Causeway street, where said new street shall open one hundred feet in width, at a point not farther east than the range of the easterly line of Beverly street,—and shall finish said bridge and street in a good and substantial manner, and maintain and keep the same in repair, open, safe, and convenient, for public travel forever; and the city of Boston may lay out said new street as a highway, without compensation to said company.

Street may be laid out as a highway.

Construction of bridge and street.

SECTION 4. The said bridge across Charles River, with two good and sufficient draws and piers, for the safe and convenient passage of vessels in the channels of Charles River and Miller's River, and the said new bridge and street, hereby authorized in or over the waters of Charles River, below low-water mark, shall be constructed on piles, so as to cause the least obstruction to the flow of the stream, under the direction of a commissioner, to be appointed by the governor and council, at the expense of said company; and the said company shall keep the draws in good repair, and open the same, and afford all proper accommodation to vessels having occasion to pass the same by day or night.

Draws.

Location and management of gates.

SECTION 5. There shall be a gate at the crossing of the Warren Bridge, and another on Haverhill street, north of Causeway street, erected and managed at the expense of said company, and regulated in such manner as shall be required by the mayor and aldermen of the city of Boston; and the said company shall maintain and keep in repair all that part of Warren Bridge which lies southerly of their crossing aforesaid, which, with said new portion, shall be, so far as relates to repairs, subject to the superintendence of the Commonwealth's agent for said Warren Bridge.

Care of a portion of Warren Bridge.

SECTION 6. Said company shall observe such rate of speed, and establish and maintain such securities for public safety on their road, and about their depot buildings hereby authorized, in the city of Boston, as the mayor and aldermen thereof shall require. Steam shall not be used as a motive power on any part of said road, between the present depot in Charlestown and the contemplated depot in Boston, until said company shall have provided such effectual security against danger to the travel over Warren Bridge, as may be required by the governor and council of this Commonwealth, or by commissioners to be appointed by them. Said company shall be bound to provide all such additional security to said travel as the governor and council may, from time to time, hereafter require.

Mayor and aldermen to regulate speed, &c.

Steam not to be used until authorized by governor and council, or commissioners, &c.

Additional securities hereafter.

SECTION 7. For the purposes of this act, the said company are authorized to increase their capital stock, by an amount not exceeding three hundred thousand dollars.

Capital may be increased by adding \$300,000

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1847.*]

When to take effect.

An Act concerning the South Shore Rail-road Company.

Chap 201.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The South Shore Rail-road Company are hereby authorized to commence their rail-road at some convenient point on the Old Colony Rail-road, in the town of Quincy or Braintree, and to continue the same through the towns of Braintree and Weymouth, by Weymouth Landing and East Weymouth, and north of Locust Hill in North Weymouth, through Hingham, at or near Water street, to some convenient point in Cohasset, and there to terminate the same; and so much of an act incorporating said company, passed on the twenty-sixth day of March, in the year one thousand eight hundred and forty-six, as is inconsistent herewith, is hereby repealed.

Location of road.

Repeal of inconsistent provisions.

SECTION 2. The time for filing the location of, and finally completing, the rail-road of said company, as hereinbefore described, is extended one year, in addition to the time mentioned in their original act of incorporation.

Time for location and completion of road extended.

SECTION 3. If, in consequence of the location of said rail-road north of Locust Hill in North Weymouth, it shall be necessary to cross any navigable waters in Weymouth Landing, the said waters may be crossed by a bridge, with a good and sufficient draw, the sufficiency of which shall be determined by the county commissioners for the county of Plymouth, at any place in said landing not below a point formerly known as Arnold's Point.

Bridge may be constructed under direction of county commissioners.

SECTION 4. If any stockholder of said company shall, in consequence of the passage of this act, desire to withdraw

Stockholders may withdraw subscription, &c.

his subscription to the capital stock of the company, he may do so by giving notice thereof to the clerk within six months from the passage hereof; and he shall thereupon receive back, from said company, the full amount of any assessment paid by him upon such stock, with interest.

Meeting for acceptance of this act, &c.

SECTION 5. The clerk of said company is authorized to call a meeting thereof, giving such notice as is provided in the by-laws, for the purpose of accepting this act, filling any vacancies that may exist in the offices of the company, and transacting the general business thereof.

When to take effect.

SECTION 6. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1847.]

Chap 202.

An Act in addition to an Act to incorporate the Walpole Reservoir Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rights of individuals and corporations in relation to the waters of Neponset River, &c. not to be impaired.

SECTION 1. Nothing contained in the act to incorporate the Walpole Reservoir Company, passed at this session of the Legislature, shall be construed to impair the rights of individuals or corporations in relation to the waters of Neponset River, or the lands that may be overflowed and injured by means of the dam and reservoir of said company; nor shall the waters, at any time contained in said reservoir, be applied to any other purpose than for the use and benefit of the mills and manufacturing establishments on said Neponset River. [Approved by the Governor, April 20, 1847.]

Waters in reservoir to be applied only for use of mills, &c.

Chap 203.

An Act relating to the Draw of the Newburyport Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for completion of draw extended to July 1, 1847.

The time allowed to the Eastern Rail-road Company, by an act passed on the sixteenth day of April, one thousand eight hundred and forty-six, to make and complete a suitable draw in the Newburyport Bridge, is hereby extended to the first day of July, one thousand eight hundred and forty-seven. [Approved by the Governor, April 20, 1847.]

Chap 204.

An Act to incorporate the Marblehead and Lynn Branch Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Increase H. Brown, Eben B. Phillips, William Fabens, their associates and successors, are hereby made a corporation, by the name of the Marblehead and Lynn Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and re-

strictions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes which relates to rail-road corporations, and in all general laws which are now, or may be hereafter, in force, relating to rail-road corporations in this Commonwealth.

SECTION 2. The capital stock of said company shall not exceed twelve hundred and fifty shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Capital stock
not to exceed
\$125,000 in
shares of \$100.

SECTION 3. The said company may locate, construct, and maintain a rail-road, with one or more tracks, beginning at a point convenient for the accommodation of the public, near the common in Marblehead, thence passing southwesterly through the farms near the sea-shore, in said town; thence westerly through the village of Swampscot, in Lynn, to a point most convenient for entering upon the Eastern Rail-road in the said town of Lynn.

Location of
road.

SECTION 4. If the said company be not organized, and the location of their said road filed, according to law, within one year, and if said road be not completed and opened for use within three years from the passage of this act, then this act shall be void.

Time for loca-
tion and com-
pletion of road.

SECTION 5. Said company may enter with their rail-road upon the Eastern Rail-road, at the most convenient point in the town of Lynn, and use the same, or any part thereof, according to the provisions of law.

May enter upon
and use the
Eastern Rail-
road.

SECTION 6. The Legislature may, from time to time, alter or reduce the rate of tolls or other profits on said road; but said tolls and other profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on the investment of said company.

The Legislature
may reduce
tolls and profits
from time to
time.

Provided, &c.

SECTION 7. The Legislature may authorize any other rail-road company to enter, with their rail-road, at any point on the said Marblehead and Lynn Branch Rail-road, and use the same, or any part thereof, by complying with such reasonable rules and regulations as the said Marblehead and Lynn Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature
may authorize
its use by any
other company.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1847.*]

When to take
effect.

Chap 205.

An Act to incorporate the Proprietors of the Erie Market.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to erect, man-
age, and own a
market in Bos-
ton.

Provided, &c.

Estate not to
exceed
\$600,000.

City council,
&c. to make
and enforce
police regula-
tions, at ex-
pense, &c.

City of Boston
may purchase
market, &c.
paying therefor,
&c.

Proceedings in
case of such
purchase.

When to take
effect.

SECTION 1. Josiah Quincy, Jr., Gridley J. F. Bryant, and Ellis Gray Loring, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Erie Market, for the purpose of erecting, managing, and owning a market for the storage and sale of country produce, and other merchandise, on the South Cove, in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that nothing herein contained shall be so construed as to authorize said corporation to engage in buying or selling provisions or merchandise, of any description.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate to the amount of six hundred thousand dollars.

SECTION 3. The city of Boston may, by its city council, or by any person or body to which said council shall delegate its power, make and enforce suitable and proper police regulations in and about said market and its appurtenances in Boston, at the expense of said corporation.

SECTION 4. The city of Boston may, at any time, purchase of the said corporation the said market, and all the franchise, property, rights, and privileges, of the said corporation, on paying therefor the amount expended in erecting the said market, and the expenses of repairs thereon, with interest thereon, at the rate of ten per centum per annum, deducting therefrom all sums that shall have been received by the said corporation from rents or any other source of profit, and interest thereon at the rate of ten per centum per annum. And whenever the said city of Boston shall have determined to purchase the said market, the directors of the said corporation shall, upon reasonable notice, make out a statement of the amount to be paid, according to the foregoing provisions, and shall exhibit their books and papers in verification of the said statement, and, upon payment of the sum which shall be payable as hereinbefore provided, the said corporation shall make and deliver, to the said city of Boston, all such deeds, conveyances, and assurances, as may be necessary to vest in the said city the said market, and all the franchise, property, rights, and privileges of the said corporation.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1847.*]

An Act to incorporate the Boston Artists' Association.

Chap 206.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Richard S. Greenough, Asa C. Warren, Hammatt Billings, their associates and successors, are hereby made a corporation, by the name of the Boston Artists' Association, for the cultivation and promotion of the fine arts in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes.

Persons incorporated,

for the cultivation and promotion of the fine arts in Boston.

SECTION 2. Said corporation may hold real and personal estate, not exceeding in value one hundred and fifty thousand dollars, to be appropriated exclusively to the purposes aforesaid.

Estate not to exceed \$150,000, to be appropriated, &c.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, April 20, 1847.]

When to take effect.

An Act to incorporate the Mystic Manufacturing Company.

Chap 207.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Elbridge Gerry, Caleb Chace, Lewis Mills, their associates and successors, are hereby made a corporation, by the name of the Mystic Manufacturing Company, for the purpose of manufacturing cotton and woolen goods, in the town of Chelsea, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture cotton and woolen goods in Chelsea.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars. [Approved by the Governor, April 21, 1847.]

Estate not to exceed \$500,000.

An Act concerning the House for the Reformation and Employment of Juvenile Offenders, in the City of Boston.

Chap 208.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The municipal or police court of said city, upon the complaint, under oath, of the mayor or any alderman thereof, or of any of the directors of the house of industry or of the said house of reformation and employment, or of the overseers of the poor of said city, that any minor, under the age of sixteen years, lives an idle and dissolute life, and that his parents are dead, or, if living, do, from vice or any other cause, neglect to provide suitable employment for, or to exercise salutary control over, such minor,

Municipal or Police court, on complaint of mayor, &c. may sentence dissolute orphan minors under sixteen years of age, &c. to house of reformation, &c.

shall have power, upon conviction thereof, to sentence such minor to such house of reformation and employment, to be kept and governed according to law.

But not other children.

Provided, &c.

SECTION 2. The second section of the twenty-second chapter of the laws passed in the year one thousand eight hundred and forty-three, is hereby repealed; saving all matters now pending, and the right of appeal, as provided in the third section of said chapter. [*Approved by the Governor, April 21, 1847.*]

Chap 209. An Act establishing the Salary of the First Clerk in the Office of the Treasurer and Receiver General of the Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salary to be \$1,200 after April 1, 1847.

From and after the first day of April, in the year one thousand eight hundred and forty-seven, the first clerk in the office of the Treasurer and Receiver General of the Commonwealth shall receive a salary of twelve hundred dollars a year, to be paid quarterly, which said sum shall be in full for all services rendered by said clerk, in said office. [*Approved by the Governor, April 21, 1847.*]

Chap 210. An Act authorizing the Fall River Rail-road Company to extend the Southern Terminus of their Road, and for other purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Road may be extended, &c.

SECTION 1. The Fall River Rail-road Company are hereby authorized to extend their road, from the present southern termination thereof, in the town of Fall River, in a southwesterly direction, to the wharf of the Fall River Iron Works Company, called the New Steamboat Wharf, in said Fall River.

Filing of location of the road made valid.

SECTION 2. The filing which has already been made, of the location of that part of said Company's road, authorized to be located and constructed under the act establishing the Middleborough Rail-road Corporation, or in the acts in addition thereto, shall have the same validity and effect as if the same had been filed within the time specified in said acts. [*Approved by the Governor, April 21, 1847.*]

Chap 211. An Act concerning the Roxbury Social Library.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors may vote by proxy at legal meetings.

SECTION 1. The proprietors of the Roxbury Social Library are hereby authorized, at any legal meeting, duly warned, to vote therein by proxy.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1847.*]

An Act to increase the Capital Stock of the Union Bank.

Chap 212.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The President, Directors, and Company, of the Union Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the President and Directors of said bank may determine: *provided* the whole amount shall be paid in on or before the first Monday in January next.

Capital may be increased by \$200,000, in shares of \$100.

Provided, &c.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Liabilities of increased capital.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the President and Directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the Secretary of the Commonwealth. [*Approved by the Governor, April 21, 1847.*]

Certificate, &c. to be returned to the Secretary.

An Act to incorporate the Goodman Paper Manufacturing Company.

Chap 213.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Josiah W. Goodman, Jeremiah Wells, Samuel Judd, their associates and successors, are hereby made a corporation, by the name of the Goodman Paper Manufacturing Company, for the purpose of manufacturing paper in the town of South Hadley, county of Hampshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture paper in South Hadley.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount thirty thousand dollars. [*Approved by the Governor, April 21, 1847.*]

Estate not to exceed \$30,000.

An Act to incorporate the Massachusetts Health Insurance Company.

Chap 214.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles W. Cartwright, Holmes Hinckley, Abraham O. Bigelow, their associates and successors, are hereby created a corporation, by the name of the Massachusetts Health Insurance Company, to be established in the city of Boston, for the purpose of making assurance upon

Persons incorporated in Boston to make assurance upon health.

Governor and council to approve terms of policies.

Capital stock not to exceed \$50,000 in shares of \$25, to be paid in instalments, &c. with security, &c.

Only owners of stock to be insured, till 400 shares have been subscribed, &c.

Investment of capital stock.

Real estate not to exceed \$10,000.

Dividends, &c.

health, with all the powers and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation : *provided, however*, that the terms and conditions of its policies shall be approved by the Governor and council.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share so subscribed, shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in two daily newspapers, published in the city of Boston; or the same may be made payable in regular instalments, at stated periods, at the discretion of the directors.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are, or may become, subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner stated; but, after the said four hundred shares of said stock have been subscribed for and paid in, or secured as required, the said corporation may exercise all the powers and privileges conferred by this act.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans upon bonds, and mortgages, on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance struck, of the affairs of said corporation; and, if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum, not exceeding an interest of six per cent. per annum, on the amount of capital stock actually paid in, on the stock held

by them, if so much remain after paying said losses and expenses, and providing for said risks; and, in case of said dividend not being paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors, and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among stockholders, shall never exceed ten per cent. per annum on the capital stock actually paid in; but such surplus of profits over ten per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Appropriation and division of remaining profits.

Surplus of profits over ten per cent. to be divided among the insured.

Capital stock not to be reduced.

SECTION 7. All dividends remaining unpaid, more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in two daily newspapers, published in Boston.

Unpaid dividends to be advertised, &c.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of said corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares authorized by this act shall be taken up. But insurances may be made and risks taken by said corporation, at the request of applicants, without their becoming stockholders.

Subscribers may be required to effect insurance, &c.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage. And no stockholder, or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

Corporation may be sued, &c.

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent

Balance-statements to be made at specified times, exhibiting—

1. amount of premiums and interest ;

2. amount of expenses ;

3. amount of losses ;

4. balance in hand ;

5. nature of security, amount of cash, &c.

Copies to be transmitted to the Secretary of the Commonwealth for the Legislature.

Risks not to be taken on lives, &c.

Nor more than \$400 annually, on a risk.

When to take effect.

period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book, prepared for such purpose: such statement shall contain, 1st, the amount of premiums received during the said period, and the amount of interest received from investments and loans ; 2d, the amount of expenses of the said company during the same period ; 3d, the amount of losses incurred within said term ; 4th, the balance remaining with said company ; 5th, the nature of the security in which the said balance is invested, and the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or any thing save assurance upon health. Nor is it permitted to insure more than four hundred dollars per annum on any one risk.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1847.]

Chap 215.

An Act to incorporate the Berkshire Marble Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

to dig, saw, and work marble in Pittsfield.

Estate not to exceed \$100,000.

SECTION 1. Abial Platt, Henry Mead, William D. B. Linn, their associates and successors, are hereby made a corporation, by the name of the Berkshire Marble Company, for the purpose of digging, sawing, and working marble, in the town of Pittsfield, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 21, 1847.]

Chap 216.

An Act to incorporate the Boston Society for the Prevention of Pauperism.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated, to inquire into and remove the causes of pauperism, &c.

SECTION 1. Moses Grant, Thomas Tarbell, Isaac Means, their associates and successors, are hereby made a corporation, by the name of the Boston Society for the Prevention of Pauperism, for the purpose of inquiring into and remov-

ing the causes of pauperism, and the discouragement of street beggary, by obtaining and communicating information about applicants for charity, and aiding them to obtain employment, with all the powers, and subject to all the duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 2. Said corporation may take and hold real estate, not exceeding the value of ten thousand dollars, and personal estate not exceeding the value of ten thousand dollars, for the aforesaid charitable purposes. [*Approved by the Governor, April 21, 1847.*]

Real estate not to exceed \$10,000, and personal \$10,000, to be devoted, &c.

An Act relating to the Hampshire and Franklin Rail-road Company, and the Mount Holyoke Rail-road Company.

Chap 217.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The time fixed for the filing of the location of the road specified in the fourth section of an act, entitled "An Act to incorporate Mount Holyoke Rail-road Company," approved on the twenty-seventh day of March, in the year one thousand eight hundred and forty-six, is hereby extended to the first day of June next. And the said Mount Holyoke Rail-road Company, or the said Hampshire and Franklin Rail-road Company, provided the two companies shall have been united, are hereby authorized to file the location of that part of their road between Hockanum and Willimanset, at any time between the passage of this act and the first day of June next.

Time for filing location of part of Mount Holyoke Rail-road in counties of Hampshire and Hampden, and, in case of a union, of that part of the road between Hockanum and Willimanset, extended to June 1, 1847.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1847.*]

When to take effect.

An Act concerning Uninclosed Lands in the Island of Nantucket.

Chap 218.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The proprietors and owners of the uninclosed lands, in the island of Nantucket, held in severalty, so long as the same shall remain uninclosed, may hold regular meetings, from time to time, for the purpose of managing their interests and concerns in such lands, and shall have all the powers, and be subject to all the duties and liabilities, given and imposed in the forty-third chapter of the Revised Statutes, in reference to general fields, except the power to inclose said lands by a common fence. [*Approved by the Governor, April 22, 1847.*]

Powers and duties of proprietors and owners.

Chap 219. An Act to continue in force "An Act to incorporate the Fall River Institution for Savings."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation continued without limitation.

The act passed on the eleventh day of March, in the year eighteen hundred and twenty-eight, entitled "An Act to incorporate the Fall River Institution for Savings," shall be and remain in force, without limitation as to a term of time; and said institution shall be continued as a corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings. [Approved by the Governor, April 22, 1847.]

Chap 220.

An Act concerning a Bridge in Palmer.

Repeal of law obliging Hampden County commissioners to support, amend, and sustain the bridge at the county's expense.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The act entitled "An Act relating to the Three Rivers Bridge, in Palmer," passed March the sixth, in the year one thousand eight hundred and thirty-five, is hereby repealed. [Approved by the Governor, April 22, 1847.]

Chap 221.

An Act to incorporate the Chelsea Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated in Chelsea to insure fire risks in Massachusetts, for 28 years, on the mutual principle.

L. H. Chandler, David W. Smith, Jesse Gould, their associates and successors, are hereby made a corporation, by the name of the Chelsea Mutual Fire Insurance Company, to be established in the town of Chelsea, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of the Commonwealth, made or to be made, relating to such corporations. [Approved by the Governor, April 22, 1847.]

Chap 222.

An Act to incorporate the Wilmington Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated,

SECTION 1. Henry Carter, James Pratt, Joseph Bond, their associates and successors, are hereby made a corpora-

tion, by the name of the Wilmington Steam Mill Company, for the purpose of grinding grain and plaster, sawing and manufacturing lumber, and furnishing steam-power for manufacturing and mechanical purposes, in the town of Wilmington, county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

to grind grain and plaster, saw and manufacture lumber, and furnish steam-power, in Wilmington.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount twenty-five thousand dollars. [Approved by the Governor, April 23, 1847.]

Estate not to exceed \$25,000.

An Act to extend the Time for locating and constructing the Watertown Branch Rail-road.

Chap 223.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The time fixed for filing the location of the rail-road, specified in the second section of an act entitled "An Act to establish the Watertown Branch Rail-road," approved on the sixteenth day of April, in the year one thousand eight hundred and forty-six, is hereby extended beyond the sixteenth day of April, in the year one thousand eight hundred and forty-seven, for the further term of four months.

Time for filing location of road extended to August 16, 1847.

SECTION 2. The time fixed in said act for constructing said rail-road, is also hereby extended for the term of four months beyond the time limited in said act.

Time for completion of road, extended to August 16, 1848.

SECTION 3. The Fitchburg Rail-road Company, who have, under the powers conferred by said act, assumed the construction of said rail-road, are hereby authorized to locate said rail-road in sections; and all forfeitures that have been or may be incurred by an omission to locate said road, or any part thereof, within the time specified in the act herein referred to, are hereby remitted, and said act shall continue in full force: *provided, however*, that said act shall become void, and the privileges thereby conferred cease, if the location and construction of the whole of the said rail-road, as far as its western terminus, shall not be completed within the times as respectively extended by this act. [Approved by the Governor, April 23, 1847.]

Road may be located in sections.

Remission of forfeitures.

Provided, &c.

An Act to prevent Obstructions in the Streets of Cities, and to regulate Hackney Coaches and other Vehicles.

Chap 224.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The mayor and aldermen of any city in this Commonwealth shall have power, from time to time, to make and adopt such rules and orders, as to them shall

Mayor and aldermen to make rules and orders for regulation of vehicles, &c.

appear necessary and expedient, for the due regulation, in such city, of omnibuses, stages, hackney coaches, wagons, carts, drays, and all other carriages and vehicles whatsoever, used or employed wholly, or in part, in such city, whether by prescribing their routes and places of standing, or in any other manner whatsoever, and whether such carriages and other vehicles, as aforesaid, are used for burden or pleasure, or for the conveyance of passengers or freight, or otherwise, and whether with or without horse or other animal power : *provided*, that nothing contained in this act shall be construed to abridge or impair the rights of cities to make such by-laws and regulations, touching the subjects above provided for, as they now possess by virtue of their charters or the amendments thereof.

Provided, &c.

Penalties for violation of such rules and orders, to be recovered, &c.

SECTION 2. The mayor and aldermen of any city may annex penalties for the violation of any such rules and orders as are authorized in the first section, not exceeding twenty dollars in any one instance, which penalties may be recovered for the use of the city by complaint before the police court of such city, or any justice of the peace in a city where no police court is established : *provided*, that no such rule or order shall take effect, or go into operation, until the same shall have been published at least one week in some newspaper printed in such city, or the county within which such city is included.

Provided, &c.

Repeal of previous acts and parts of acts.

SECTION 3. The act entitled "An Act for regulating Hackney Coaches in the Town of Boston, and to repeal an Act heretofore made for that purpose," passed November the twenty-fifth, in the year one thousand seven hundred and ninety-six ; the seventh section of an act, entitled "An Act to regulate the Paving of Streets in the town of Boston, and for removing Obstructions in the same," passed on the twenty-second day of June, in the year one thousand seven hundred and ninety-nine, and all that part of the fifth section of the same act which relates to the driving of any horse or cart, or any wheel carriage of burthen or pleasure, or the wheeling of any wheelbarrow on the foot-walk of any street in Boston ; the second and third sections of an act, entitled "An Act in addition to the several Acts now in force to regulate the Paving of Streets in the town of Boston, and for removing Obstructions in the same," passed on the nineteenth day of June, in the year one thousand eight hundred and nine, are hereby repealed : *provided*, that nothing herein contained shall be construed as reviving any acts repealed in any of the acts herein referred to. [Approved by the Governor, April 23, 1847.]

Provided, &c.

An Act to incorporate the Naukeag Manufacturing Company.

Chap 225.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Jacob Osgood, Elbridge Stimson, Charles Osgood, their associates and successors, are hereby made a corporation, by the name of the Naukeag Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of Ashburnham, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to manufacture
cotton goods in
Ashburnham.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount eighty thousand dollars. [Approved by the Governor, April 23, 1847.]

Estate not to
exceed
\$80,000.

An Act concerning Taxes on the Real Estate of Deceased Persons.

Chap 226.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Whenever, at the time of assessment of any tax, the right or title to the real estate of any person deceased shall be doubtful or unascertained by reason of any litigation concerning the will of such deceased person, or the validity thereof, the said real estate may be assessed in general terms to the estate of such person deceased; and said tax shall constitute a lien upon the land so assessed, which lien may be enforced by the sale of the same, or any part thereof, in the manner now, by law, provided for enforcing such liens for taxes on real estate. [Approved by the Governor, April 23, 1847.]

Taxes assessed
on real estate,
before the same
is vested in
heirs, &c. to be
a lien on said
estate, and col-
lected by sale,
&c.

An Act to incorporate the Woolen Steam Mill Company.

Chap 227.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Abiel S. Lewis, Richard Williams, William G. Lewis, their associates and successors, are hereby made a corporation, by the name of the Woolen Steam Mill Company, for the purpose of manufacturing woolen goods, and goods composed of wool mixed with other materials, in the city of Roxbury, county of Norfolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated,

to manufacture
woolen goods,
&c. in Roxbury.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in value fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars, [Approved by the Governor, April 23, 1847.]

Real estate not
to exceed
\$50,000, and
capital stock
\$200,000.

Chap 228.

An Act to establish the Salaries of certain Registers of Probate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual salaries of Registers of Middlesex, Essex, and Worcester, \$1,500; of Bristol, \$750; of Norfolk, \$700; of Plymouth, \$650; of Berkshire and Hampden, \$550; of Hampshire, \$450; of Franklin, \$425.

SECTION 1. The several registers of probate herein named shall receive for their services an annual salary, as follows :

The registers for the counties of Middlesex, Essex, and Worcester, each the sum of fifteen hundred dollars. The register for the county of Bristol, the sum of seven hundred and fifty dollars. The register for the county of Norfolk, the sum of seven hundred dollars. The register for the county of Plymouth, the sum of six hundred and fifty dollars. The registers for the counties of Berkshire and Hampden, each the sum of five hundred and fifty dollars. The register for the county of Hampshire, the sum of four hundred and fifty dollars : and the register for the county of Franklin, the sum of four hundred and twenty-five dollars.

Payable quarterly.

SECTION 2. The said salaries shall be paid in quarterly payments, out of the treasury of the Commonwealth, on the first days of January, April, July, and October, in every year, and in the same proportion for any part of a year.

Repeal of inconsistent provisions.

SECTION 3. All laws inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 4. This act shall take effect from and after the first day of April, in the year one thousand eight hundred and forty-seven. [*Approved by the Governor, April 23, 1847.*]

Chap 229.

An Act concerning the Board of Health in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provision that city council perform the duties of a board of health repealed.

The second section of the twenty-first chapter of the Revised Statutes is hereby repealed. [*Approved by the Governor, April 23, 1847.*]

Chap 230.

An Act in addition to "An Act to incorporate the Proprietors of the South Congregational Meeting-house in Lowell."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors to assess upon shares not exceeding \$100.

The proprietors of the South Congregational Meeting-house, in Lowell, are hereby authorized to lay further assessments upon their shares : *provided*, that the amount of all their assessments shall not exceed one hundred dollars on each share. [*Approved by the Governor, April 23, 1847.*]

An Act to incorporate the Trustees of the Bixby Donation Farm for the support of a Gospel Minister, or Ministers, in the town of Topsfield, of the Congregational Denomination.

Chap 231.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Congregational parish in the town of Topsfield may, within two months from the passage of this act, elect not less than three, nor more than five persons, members of said parish, who, with their successors, shall thereafter be constituted a body corporate, by the name of the Trustees of the Bixby Donation Farm, for the support of a gospel minister, or ministers, in the town of Topsfield, of the Congregational denomination.

Not less than three nor more than five trustees to be elected, &c.

SECTION 2. The said parish shall choose, once in seven years, in the months of March or April, beginning in the year one thousand eight hundred and forty-eight, said board of trustees, who shall hold their offices during said term of seven years, and until others are chosen in their stead ; and all vacancies happening during said term, by death, resignation, ceasing to be members of said parish, or otherwise, shall be filled by said parish, at a legal meeting called for that purpose ; and a majority of said trustees shall constitute a quorum for doing business.

Trustees to be chosen every seven years, &c.

Vacancies to be filled by the parish.

Majority of trustees to constitute a quorum.

SECTION 3. The said trustees shall have the power to take and hold, and they shall take and hold, all that farm and estate devised to the selectmen of the town of Topsfield by Daniel Bixby, late of said Topsfield, deceased, in and by his last will and testament, and a codicil thereto, for the support of a gospel minister, or ministers, in said Topsfield, of the Congregational denomination, subject to all the restrictions and trusts mentioned in said will ; shall apply the income and profits thereof, according to the directions in said will and codicil, and shall hold and administer said estate, in all respects, according to the terms, provisions, and directions, of said will and codicil, except that said trustees shall not be accountable to said town of Topsfield, and shall not be required to make any reports of their doings to said town ; but shall be accountable to said parish, and shall make all such reports to said parish, annually or oftener, as, by the terms of said will, were required to be made to said town. In all other particulars, said trustees shall take the place of said selectmen, and shall perform and discharge all the duties, and be subject to all the liabilities, of the said selectmen, as provided for in and by said will and codicil.

Trustees to take and hold devised estate, apply income, &c. according to provisions of will, &c.

Trustees not to be accountable to town of Topsfield, but to the parish, &c.

SECTION 4. The power given in and by this act may, at any time, be altered, annulled, or repealed, at the pleasure of the Legislature. [*Approved by the Governor, April 23, 1847.*]

Legislature may alter or repeal powers hereby granted.

Chap 232.

An Act to incorporate the American Patent Sail Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated,

to manufacture
storm-sails, in
Boston.

Real estate not
to exceed
\$50,000, and
capital stock
\$200,000.

SECTION 1. William Aspinwall, Augustus Aspinwall, Elbridge Brown, their associates and successors, are hereby made a corporation, by the name of the American Patent Sail Company, for the purpose of manufacturing storm-sails, in that part of the city of Boston called East Boston, county of Suffolk, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate, not exceeding in amount, fifty thousand dollars, and the whole capital stock shall not exceed two hundred thousand dollars. [Approved by the Governor, April 23, 1847.]

Chap 233.

An Act to continue in force "An Act to incorporate the Norfolk Mutual Fire Insurance Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Incorporation
continued to
February 12,
1881.

The act to incorporate the Norfolk Mutual Fire Insurance Company, passed February the twelfth, in the year one thousand eight hundred and twenty-five, shall be and remain in force for the term of twenty-eight years, from the twelfth day of February, in the year one thousand eight hundred and fifty-three, and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all statutes subsequently passed relating to mutual fire insurance companies. [Approved by the Governor, April 23, 1847.]

Chap 234.

An Act to establish Regulations concerning the Harbor of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Anchorage to
be only within
certain limits.

SECTION 1. No vessel which shall cast anchor in the harbor of Boston, between India Wharf and Gray's Wharf, shall anchor within five hundred feet of the line described in the second section of an act, entitled "An Act to preserve the Harbor of Boston, and to prevent Encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and no vessel which shall cast anchor between the easterly side of Lamson's Wharf and the easterly side of Tuttle's Wharf, at

East Boston, shall anchor within five hundred feet of the line described in the fifth section of "An Act concerning the Harbor of Boston," passed the seventeenth day of March, in the year one thousand eight hundred and forty, unless for the purpose of hauling in, as soon as practicable, to some wharf in said harbor, or unless compelled to do so by reason of stress of weather or unavoidable casualty; and, for every offence against either of the foregoing provisions, after having been notified thereof by the harbor-master who may be appointed as hereinafter mentioned, or by any party aggrieved, the master, commander, or owners of such vessel, shall be subject to a penalty not exceeding twenty-five dollars.

Provided, &c.

Penalty after notice.

SECTION 2. The master, commander, or owners, of every vessel, shall, as soon as practicable, after having hauled to the end of any wharf that extends to the channel in said harbor, cause her lower yards to be cockbilled, and her jib-boom to be rigged in, so that the said jib-boom may not annoy any other vessel or vessels going in or out of the adjoining docks; and the lower yards and jib-boom shall be kept so arranged while such vessel lies at the end of the wharf as aforesaid, and until she is preparing immediately to leave her berth; and for every offence against any of the provisions in this section, the master, commander, or owners, or either of them, of such vessel, shall be subject to a penalty not exceeding ten dollars.

Trim of vessels at wharves.

Penalty.

SECTION 3. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud, or other substances, which may, in any respect, tend to injure the navigation thereof; and whoever shall offend against the provisions of this section shall be subject to a penalty not exceeding fifty dollars.

Penalty for depositing stones, &c. in said harbor.

SECTION 4. No warp or line shall be passed across the mouth of any slip, for the purpose of hauling a vessel by said slip, before the vessel shall be within one hundred feet of said slip, if the owners or occupants thereof object, unless the harbor-master, who may be appointed as hereinafter mentioned, shall have decided it to be necessary; and for every offence against this provision, the master, commander, or owners of such vessel, shall be subjected to a penalty not exceeding five dollars.

Regulations of warps and lines, &c.

Penalty.

SECTION 5. The city council of the city of Boston may, if they shall deem it expedient, annually appoint, by concurrent ballot in each board, a harbor-master for the port of Boston, who shall hold his office for one year, and until another shall be appointed in his place, or until he shall be removed by said city council; and, before entering upon his office, he shall give bond to the said city, with sufficient sureties, to the satisfaction of the mayor and aldermen, in the penal sum of two thousand dollars, conditioned for the

The city council may annually appoint a harbor-master by concurrent vote, &c.

who shall give bond, &c.

and may appoint a deputy, &c.

His compensation.

faithful discharge of the duties of said office; and in case of the sickness or disability of the said harbor-master, he may appoint a deputy, subject to the approval of said mayor and aldermen, to perform his duties during such sickness or disability; and said harbor-master shall be allowed and paid quarterly, out of the city treasury, such salary for his services as said city council shall, from time to time, establish.

His duties and authority.

SECTION 6. It shall be the duty of the said harbor-master to enforce the execution of the several provisions of this act, and of all other laws of the Commonwealth relating, in any way, to said harbor, and to prosecute all violations of such laws and ordinances, and to take all lawful measures to prevent the doing of any act by which the flow of the tides, or the force, direction, or depth, of the current into, out of, or through the said harbor may, in any degree, be injuriously affected. And said harbor-master shall also have authority so to regulate the anchorage of vessels, that, as far as may be practicable, ferry-boats may pass unobstructed, and the channel shall be kept clear from the wharves to Castle Island.

Recovery of penalties.

SECTION 7. All said several penalties may be recovered by complaint before the police court of the city of Boston, or by indictment, for the use of the said city.

When to take effect.

SECTION 8. This act shall take effect on and after the first day of July next. [Approved by the Governor, April 23, 1847.]

Chap 235.

An Act ceding to the United States jurisdiction over a Ledge of Rocks lying off the Island of Cuttyhunk, and over a lot of land in Fairhaven.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction ceded for light-houses, &c.

SECTION 1. Jurisdiction over a ledge of rocks, lying off the southwest side of the island of Cuttyhunk, one of the Elizabeth Islands, called the Sow and Pigs, and over a lot of land not exceeding one quarter of an acre, situate near the Old Fort, above high-water mark, in the town of Fairhaven, upon which the United States coast surveyors have recently erected a temporary beacon, said one quarter of an acre to be laid out so that the rock on which said beacon is placed may be as near the centre of said land as possible, is hereby granted to the United States of America, for the purpose of erecting thereon, or placing over the same, light-houses, beacons, or light boats: *provided*, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction, with the United States, in and over said ledge of rocks and over said lot of land, so far that all civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on

Provided, that the Commonwealth retains concurrent jurisdiction, so far that, &c.

any part of said ledge of rocks, and on any part of said lot of land, or in any building which may be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

SECTION 2. The property over which jurisdiction is granted by this act, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this Commonwealth, while said ledge and land shall be used for the purpose of erecting and maintaining light-houses, beacons, or light boats, thereon.

Property exonerated from taxation.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

When to take effect.

An Act to incorporate the Essex Sugar Refinery.

Chap 236.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John Somes, John L. Rogers, and William Babson, Jr., their associates and successors, are hereby made a corporation, by the name of the Essex Sugar Refinery, for the purpose of manufacturing and refining sugar, in the town of Gloucester, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated,

to manufacture and refine sugar in Gloucester.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount eighty thousand dollars. [*Approved by the Governor, April 23, 1847.*]

Estate not to exceed \$80,000.

An Act establishing the Salary of the Messenger to the Governor and Council.

Chap 237.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of January, in the year one thousand eight hundred and forty-seven, the messenger to the governor and council shall receive a salary of eight hundred dollars a year, to be paid quarterly, which said sum shall be in full for all services rendered by him in said office. [*Approved by the Governor, April 23, 1847.*]

Annual salary to be \$800, from January 1, 1847, &c.

An Act to incorporate the Stoneham Branch Rail-road Company.

Chap 238.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Solon Dike, John Hill, and Allen Rowe, their associates and successors, are hereby made a corporation, by the name of the Stoneham Branch Rail-road Company,

Persons incorporated.

with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all general laws which are now, or may be hereafter, in force, respecting rail-roads in this Commonwealth.

Location of road.

SECTION 2. The said corporation is hereby authorized to locate, construct, and maintain a rail-road, commencing at some suitable point in the village in Stoneham, and running in a southerly direction, and on the easterly margin of Spot Pond, to some convenient point of intersection with the Medford Branch of the Boston and Maine Rail-road in Medford.

Capital stock not to exceed \$120,000 in shares of \$100.

SECTION 3. The capital stock of said corporation shall consist of not more than twelve hundred shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said corporation; and the said corporation may take, purchase, and hold, such real estate on the line of said rail-road, and may purchase and hold such cars, engines, and other personal property, as may be necessary and convenient for the purposes of their incorporation.

Time for location and completion of road.

SECTION 4. If the said corporation be not organized, and the location of its rail-road filed with the county commissioners of the county of Middlesex, within one year from the passage of this act, or if the said rail-road shall not be constructed within three years from the passage of this act, then the same shall be void.

May enter upon and use the Boston and Maine Rail-road.

SECTION 5. The said Stoneham Branch Rail-road Company may enter and unite their rail-road with the Boston and Maine Rail-road Company's Branch Rail-road, at the point of intersection therewith, mentioned in the second section; but neither company shall have a right to run their cars or engines on the road of the other, but on terms and conditions mutually agreed upon by the parties, or prescribed by the Legislature.

May transfer property, &c. to Boston and Maine Rail-road Company.

SECTION 6. The said corporation is hereby authorized and empowered to transfer all its property, rights and privileges, and franchise, under their charter, to the Boston and Maine Rail-road Company; and said Boston and Maine Rail-road Corporation are hereby authorized to take, receive, and hold the same, whenever a majority, in interest, of the stockholders of the two corporations, respectively, shall elect so to do; and, for this purpose, the Boston and Maine Rail-road Corporation may increase their capital stock by new shares, to an amount not exceeding one hundred and twenty thousand dollars.

When to take effect.

SECTION 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

An Act to authorize the Essex Rail-road Company to construct Branches in Salem and Danvers. *Chap 239.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Essex Rail-road Company are hereby authorized to locate and construct a branch rail-road, commencing on the Essex Rail-road, southerly of New Mills River; thence curving southeasterly, and running on the northerly side of Water's River, to tide-water, near Matthew Hooper's iron foundry, in Danvers. Location of branch road.

SECTION 2. The said company are hereby authorized to extend their rail-road in Salem, from a point on the North River near the North Bridge, easterly to some convenient point near the Essex Bridge, or to some point on Salem Harbor, on or near the wharf of Stephen C. Phillips, or near the Hathorne Point, so called, or to some intermediate point, as may be found most eligible and convenient. Road to be extended in certain directions,

SECTION 3. The said company are hereby authorized to extend their rail-road, from a point on the North River near the North Bridge, in a southerly direction through the tunnel constructed by the Eastern Rail-road Company, to a point on the South River, near the depot of said Eastern Rail-road Company; thence in an easterly direction to the South River, at a point on or near the wharf of the Naumkeag Steam Factory Company: *provided* the said Eastern Rail-road Company consent thereto. with the consent of the Eastern Rail-road Company.

SECTION 4. In the location, construction, and use of the branches hereby authorized, said company shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in their act of incorporation, and in the forty-fourth chapter of the Revised Statutes, and all general laws which are now, or may be hereafter, in force, respecting rail-roads in this Commonwealth. Powers and liabilities.

SECTION 5. Said company, for the purposes herein authorized, may increase their capital stock in the sum of fifty thousand dollars: *provided*, that if said branches be not located within one year, and constructed within two years from the passage of this act, the same shall be void. [*Approved by the Governor, April 23, 1847.*] Capital stock may be increased by adding \$50,000.
Time for location and completion of branch roads.

An Act to incorporate the Waters' Cotton Mills Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : *Chap 240.*

SECTION 1. A. H. Waters, Thomas J. Harrington, Calvin Barker, their associates and successors, are hereby made a corporation, by the name of the Waters Cotton Mills Company, for the purpose of manufacturing cotton goods and Persons incorporated,

to manufacture
cotton goods
and machinery
in Millbury.

machinery, in the town of Millbury, county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to
exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 23, 1847.]

Chap 241.

An Act to incorporate the Essex County Health Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incor-
porated in Bev-
erly, to make
assurance upon
health.

SECTION 1. F. W. Choate, Stephens Baker, and Elliott Woodbury, their associates and successors, are hereby made a corporation, by the name of the Essex County Health Insurance Company, to be established in the town of Beverly, for the purpose of making assurances upon health, with all the powers and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation: *provided, however*, that the terms and conditions of its policies shall be approved by the governor and council.

Governor and
council to ap-
prove terms of
policies, &c.

Capital stock
not to exceed
\$50,000, in
shares of \$25,
to be paid in
instalments, &c.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share, so subscribed, shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in some newspaper published in the county of Essex; or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

with security,
&c.

Only owners of
stock to be in-
sured till 400
shares have
been sub-
scribed, &c.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are or may become subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner stated; but after the said four hundred shares of said stock have been subscribed for, and paid in or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Investment of capital stock.

Real estate not to exceed \$10,000.

SECTION 5. The directors of said corporation shall, on the first Monday in June, annually, cause a statement to be made and a balance struck, of the affairs of said corporation; and, if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum, not exceeding an interest of six per cent. per annum, on the amount of capital stock actually paid in, on the stock held by them, if so much remain after paying said losses and expenses, and providing for said risks; and in case of said dividend not being paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Dividends.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among stockholders, shall never exceed eight per cent. per annum on the capital stock actually paid in; but such surplus of profits over eight per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation subscribed for, and paid in, shall be reduced or impaired.

Division of remaining profits.

Surplus profits over 8 per cent to be divided among the insured.

Capital stock not to be reduced.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks in some newspaper published in the county of Essex, and, if not called for within one year from the date of such an advertisement, shall be forfeited to said corporation.

Unpaid dividends to be advertised, &c.

Subscribers
may be required
to effect insur-
ance, &c.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of said corporation, to effect insurance therein, either upon his own health, or upon the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for, at least, one share of said stock, until the whole number of shares authorized by this act shall be taken up. But insurances may be made, and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

Corporation
may be sued,
&c.

SECTION 9. Suits at law may be maintained, by any stockholder or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage. And no stockholder or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

Balance-state-
ments to be
made at speci-
fied times, ex-
hibiting—

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for such purpose. Such statement shall contain, first, the amount of premiums received during the said period, and the amount of interest received from investments and loans; second, the amount of expenses of the said company during the same period; third, the amount of losses incurred within said term; fourth, the balance remaining with said company; fifth, the nature of the security in which the said balance is invested, and the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

1. Amount of premiums and interest;
2. Amount of expenses;
3. Amount of losses;
4. Balance on hand;
5. Nature of security, amount of cash, &c.

Copies to be transmitted to the Secretary of the Commonwealth for the Legislature.

Risks not to be taken on lives, &c.

nor more than \$400 on a risk.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk.

When to take effect.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, April 23, 1847.]

An Act concerning Weights, Measures, and Balances.

Chap 242.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The several avoirdupois and troy weights and balances, procured from the government of the United States for this Commonwealth, by the commissioners appointed for that purpose, in the year one thousand eight hundred and thirty-five, and also all weights, measures, and balances that have since been received from the said government, for the purpose of being used as standards, shall hereafter be used as the sole authorized public standard of weights and measures of this Commonwealth, and shall be in the care and custody of the Treasurer of the Commonwealth.

Standard weights and measures to be kept by the Treasurer.

SECTION 2. The said balances, weights, and measures, shall be preserved by the Treasurer, and used as public standards, and are as follows, namely: one half bushel, one wine gallon, one wine quart, one wine pint, one wine half-pint, one yard measure; also, a set of avoirdupois weights, consisting of fifty, twenty-five, twenty, ten, five, four, three, two, one pounds, and from eight ounces down to one dram; also, one set of troy weights, from five thousand pennyweights down to half a grain, and from one pound down to the ten thousandth part of an ounce: and three sets of balances.

Description of the same.

SECTION 3. The seals, used by the various sealers of weights and measures, shall hereafter be as follows, to wit: by the Treasurer of the Commonwealth, and his deputy, the letters C. M.; by the county treasurers, the initial and final letters of their respective counties, followed by the letters Co.; by town and city sealers, the name of their respective towns and cities, or such intelligible abbreviation thereof as the selectmen of the towns, or the mayor and aldermen of cities, may prescribe.

Description of seals of weights and measures.

SECTION 4. Each sealer of weights and measures, including the State deputy and county treasurer, shall receive a fee of three cents for every weight, measure, scale, beam, or balance, by him sealed, except platform-balances; and a reasonable compensation for all repairs, alterations, and adjustments thereof, which may be necessary for him to make.

Fees of sealers.

SECTION 5. Every sealer of weights and measures shall, in the month of May, annually, give public notice, as provided in the sixteenth section of the thirtieth chapter of the Revised Statutes, for every inhabitant of his town or city, who uses weights and measures for the purpose of buying or selling, and for public weighers who have the same, to bring in their measures, weights, balances, scales, and beams, to be examined, adjusted, and sealed, and he shall forthwith adjust and seal all weights and measures brought to him for that purpose. And every person who shall presume to sell by any other weights, measures, scales, beams,

Notices to be given by sealers.

Penalties for the use of un-

lawful weights,
&c.

or balances, than those which have been sealed as before provided, or as provided in the following section, shall forfeit and pay a sum not exceeding twenty dollars for every such offence; one half to enure to the use of the town or city, the other half to the complainant.

Trial of hay-
scales, &c.

SECTION 6. The sealers of every town and city shall go, once in every year, to every hay-scale or platform-balance, which cannot be readily removed, and try, adjust, and seal the same, for which he shall be entitled to a fee of one dollar and fifty cents for every such scale or platform-balance, weighing five thousand pounds and upwards; and for every scale or platform-balance, weighing less than five thousand pounds, he shall be entitled to a fee of fifty cents; and all repairs and alterations, which it shall be necessary for him to make, shall be the subject of an additional charge. Any person using such scale or platform-balance, in buying or selling, that has not been so tried, adjusted, and sealed, at least once in every year, shall be subject to the same forfeiture as provided in the fifth section of this act, to be appropriated in the manner therein provided. And no sealer of weights and measures, except for the purposes of this section, shall carry his standard of weights, measures, and scales, from one place to another, for the purpose of adjusting others within the town or city.

Penalties for
using unap-
proved hay-
scales, &c.

Trial of county
town and city
standards, &c.

SECTION 7. Every county treasurer shall, once at least in every ten years, at the expense of the county, have the county standards tried, adjusted, and sealed by the Treasurer of the Commonwealth or his deputy; and every town and city sealer shall, once at least in five years, at the expense of the town or city, have the town or city standards tried, adjusted, and sealed by the treasurer of the county in which the sealer resides, or by the Treasurer of the Commonwealth or his deputy. And every treasurer or sealer, who shall refuse or neglect to have their standards sealed as herein provided, shall forfeit, to the use of the Commonwealth, a sum not exceeding fifty dollars.

Penalty for
neglect.

Description of
standard
weights, &c. to
be kept by
treasurers at
the expense of
counties and
towns.

SECTION 8. The treasurer of each county, and the treasurer of each town, shall keep, at the expense of such county, city, or town, respectively, a complete set of the said weights, measures, and balances, except the troy weight. Said weights and measures shall be made of copper, cast brass, or cast iron; the weights of four pounds, and all under that weight, to be made of brass; the larger weights may be made of iron; and all to be turned and finished. The liquid and dry measures shall be made of durable thickness, and, if made of brass or iron, shall be turned inside, and on the top edge or rim. The balances shall be made of brass, steel, or iron, and, in all cases, the edges and bearings shall be of hardened steel or agate. The dry measures to be made, in form and dimensions, to conform to the aforesaid standard;

all to be proved, sealed, and marked, by said standard as aforesaid.

SECTION 9. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. *[Approved by the Governor, April 23, 1847.]*

Repeal of inconsistent provisions.

An Act to incorporate the Cohasset and Scituate Branch Rail-road Company.

Chap 243.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George M. Allen, Ezekiel Jones, Charles Vinal, their associates and successors, are hereby made a corporation, by the name of the Cohasset and Scituate Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and that part of the thirty-ninth chapter of said statutes which relates to rail-road corporations, and all general laws which are now, or may be hereafter, in force, relating to rail-road corporations, in this Commonwealth.

Persons incorporated.

SECTION 2. Said company may locate, construct, and maintain a rail-road, with one or more tracks, within the towns of Cohasset and Scituate, in the counties of Norfolk and Plymouth, commencing at the depot of the South Shore Rail-road in Cohasset, and thence running southeasterly, through the towns of Cohasset and Scituate, through the north part of Scituate, to some point near the Union School-house, at Scituate Harbor, so called, in Scituate.

Location of road.

SECTION 3. The capital stock of said company shall consist of not more than seven hundred and fifty shares, the number of which shall, from time to time, be determined by the directors of said company; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such parts thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not to exceed \$75,000 in shares of \$100.

SECTION 4. If the location of said road be not filed, according to law, within three years, or if said road be not completed, with at least one track, within five years from the passage of this act, then this act shall be void.

Time for location and completion of road.

SECTION 5. Said company are hereby authorized to enter, with their rail-road, upon the South Shore Rail-road, at their depot in Cohasset, and to use the same, or any part thereof, paying such toll therefor as may be mutually agreed upon by the parties, or as may be prescribed by the Legislature.

May enter upon and use the South Shore Rail-road.

SECTION 6. The Legislature may authorize any company to enter, with another rail-road, upon, and use said Cohasset and Scituate Branch Rail-road, or any part thereof, by

The Legislature may authorize its use by any other company.

complying with such reasonable rules and regulations as the said Cohasset and Scituate Branch Rail-road Company may prescribe, or as may be prescribed by the provisions of law.

May transfer property, &c. to the South Shore Rail-road Corporation.

SECTION 7. Said Cohasset and Scituate Branch Rail-road Company may transfer and convey their rights, privileges, property, and franchise, under this charter, to the South Shore Rail-road Corporation; and the said South Shore Rail-road Corporation are hereby authorized to take, receive, and hold the same, whenever a major part of the stockholders of the two corporations, respectively, shall elect so to do; and, for this purpose, the South Shore Rail-road Corporation may increase their capital stock, by new shares, to an amount not exceeding seventy-five thousand dollars.

The Legislature may reduce tolls and profits after four years.

Provided, &c.

SECTION 8. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or profits upon said road; but said tolls or profits shall not be so reduced, without the consent of said corporation, as to produce less than ten per centum per annum upon the investment of said company.

When to take effect.

SECTION 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

Chap 244.

An Act in addition to An Act to incorporate the Hartford and Springfield Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

United corporations may take the name of the Hartford and New Haven Rail-road Company.

SECTION 1. When the Hartford and Springfield Rail-road Corporation shall be united with the Hartford and New Haven Rail-road Company, according to the terms of the "Act in addition to An Act to incorporate the Hartford and Springfield Rail-road Corporation," passed on the twenty-third of February, in the year one thousand eight hundred and forty-four, and according to similar provisions of laws heretofore enacted by the Legislature of the State of Connecticut, said united corporation shall be called the Hartford and New Haven Rail-road Company.

Subject to the laws of this Commonwealth, so far, &c.

SECTION 2. The said corporation, so far as their road is situated in Massachusetts, shall be subject to the general laws of this Commonwealth, to the same extent as if their road were wholly therein. [*Approved by the Governor, April 23, 1847.*]

Chap 245.

An Act concerning the First Methodist Episcopal Society in the Town of Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justices of S. J. Court, sitting in

The Justices of the Supreme Judicial Court, sitting in Chancery, may pass any such decree or order, as the just

and equitable rights of all the parties interested may require, touching the payment or distribution of the funds which have been or may be received by the Trustees of the First Methodist Episcopal Society, in the town of Lowell, by virtue of the second section of the act passed on the twenty-first day of April in the year one thousand eight hundred and forty-six, entitled "An Act in addition to an Act to incorporate the First Methodist Episcopal Society in the town of Lowell," any thing in said additional act to the contrary notwithstanding. [Approved by the Governor, April 23, 1847.]

Chancery may decree and order the payment or distribution of funds, &c.

An Act providing for the Inspection of Hay.

Chap 246.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The mayor and aldermen of each city, and selectmen of each town, in this Commonwealth, in which bale or bundle hay is sold, may, on the petition of ten or more legal voters of such city or town, annually appoint one or more persons as inspectors of bale or bundle hay, who shall be sworn to the faithful discharge of the duties of their office.

Mayor and aldermen of cities, and selectmen of towns, on petition, &c. may appoint,

SECTION 2. Said mayor and aldermen, and selectmen, respectively, may remove any inspector so appointed, and fill any vacancy that may occur from death or otherwise.

and remove inspectors, and fill vacancies.

SECTION 3. It shall be the duty of the inspector to inspect and weigh all bale or bundle hay, within the limits of the city, town, or ward, for which he may be appointed, when requested so to do by the owner or vendor of such hay.

Duties of inspectors.

SECTION 4. All bales or bundles of hay so inspected, which are found to be sweet, of good quality, and free from damage or any improper mixture, shall be branded or marked *No. 1*. All bales or bundles which are found to be sweet, and free from damage or any improper mixture, but consisting of hay of a secondary quality, shall be branded or marked *No. 2*. All bales or bundles which are found to be wet, or in any way damaged, or which shall contain any straw or other substances not valuable as hay, shall be branded or marked *bad*. Each bale or bundle so inspected shall also be branded or marked with the first letter of the Christian name, and the whole of the surname of the inspector, and the name of the city or town for which he is inspector, together with the month and year when inspected, and also the net weight of the bundle.

Hay to be branded, No. 1.

No. 2.

Bad.

Names, year, and net weight.

SECTION 5. Each inspector shall furnish himself with proper scales, weights, seals, and other suitable instruments for the purposes aforesaid.

Inspectors to furnish themselves with scales, &c.

Fees to be fixed by appointing officers, and paid by employer.

SECTION 6. The fees for inspecting, weighing, and marking, as provided for in this act, shall be fixed by the respective officers having the power of appointment, and shall be paid by the employer of the inspector.

Penalty for selling without inspection.

SECTION 7. Any person who shall sell any bale or bundle hay, in any city or town in this Commonwealth, where an inspector is appointed, as required by this act, which has not been inspected and weighed as herein provided, shall forfeit, for each bale or bundle so sold, two dollars, to be recovered in any court proper to try the same, one half to the complainant, and the other half to the city or town in which such sale shall have been made: *provided*, that no inspection under this act shall be made, where the vendor and vendee shall certify, in writing, to the inspector, that they object to an inspection. [*Approved by the Governor, April 23, 1847.*]

Provided, &c.

Chap 247.

An Act in addition to "An Act to incorporate the Hanover Branch Rail-road Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Time for filing location of road extended to October 6, 1848.

SECTION 1. The time fixed for filing the location of the road specified in the fourth section of an act, entitled "An Act to incorporate the Hanover Branch Rail-road Company," approved on the sixth day of April, in the year one thousand eight hundred and forty-six, is hereby extended one year and six months beyond the sixth day of April of the present year.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

Chap 248.

An Act in addition to "An Act in relation to Insurance on Lives for the benefit of Married Women and other Persons."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Insurance made by one party on his life, for the benefit of another, to have effect agreeably to the provisions of a former act.

When it is expressed, in any policy of insurance by which a person insures his own life, that it is made for the benefit of another person, the policy shall enure to the benefit of such other person in the same manner, and subject to the same provisions, as in case of insurance effected by one person on the life of another for the benefit of a third, under the act in relation to insurance on lives for the benefit of married women and other persons, passed on the eleventh day of March, in the year one thousand eight hundred and forty-four. [*Approved by the Governor, April 23, 1847.*]

An Act to incorporate the Woburn Branch Extension Rail-road Company.

Chap 249.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Moses F. Winn, Leonard Thompson, and Stephen Nichols, their associates and successors, are hereby made a corporation, by the name of the Woburn Branch Extension Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all general laws which are now, or may be hereafter, in force, respecting rail-roads, in this Commonwealth.

Persons incor-
porated.

SECTION 2. The said corporation is hereby authorized to locate, construct, and maintain a rail-road within the town of Woburn, in the county of Middlesex, commencing at some convenient point on the Woburn Branch Rail-road, near the depot at Woburn Centre, and thence running in a northwesterly direction to some suitable point for a depot, at or near the centre of New Bridge Village, in the north-erly part of said Woburn.

Location of
road.

SECTION 3. The capital stock of said corporation shall consist of not more than five hundred shares of one hundred dollars each; the number of which shall be determined, from time to time, by the directors of said corporation; and the said corporation may take, purchase, and hold, such real estate on the line of said rail-road, and may purchase and hold such cars, engines, and other personal property, as may be necessary and convenient for the purposes of their incorporation.

Capital stock
not to exceed
\$50,000, in
shares of \$100.

SECTION 4. The company hereby established may enter upon and unite their rail-road, by proper turnouts and switches, with the Woburn Branch Rail-road, at some convenient place in said Woburn, and use said Woburn Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as said Woburn Branch Rail-road Company may prescribe, or as may be determined according to the provisions of law.

May enter upon
and unite with
the Woburn
Branch Rail-
road.

SECTION 5. The Legislature may authorize any company to enter, with another rail-road, upon, and use the said Woburn Branch Extension Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the Woburn Branch Extension Rail-road Company may prescribe, or as may be determined according to the provisions of law.

The Legislature
may authorize
its use by any
company.

SECTION 6. The Legislature may, after the expiration of four years from the time when said rail-road shall be opened for use, from time to time, alter or reduce the rate of tolls or other profits upon said rail-road; but the said

The Legisla-
ture may reduce
tolls and profits
after four years.
Provided, &c.

tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

Time for location and completion of road.

SECTION 7. If said company be not organized, and the location of their road filed with the county commissioners of the said county of Middlesex, within two years from the passing of this act, and if their said road shall not be constructed within three years from said time, this act shall be void.

May transfer property, &c. to Boston and Lowell Rail-road Corporation.

SECTION 8. Said Woburn Branch Extension Rail-road Company are hereby authorized and empowered to transfer their rights, privileges, and franchise, under this charter, to the Boston and Lowell Rail-road Corporation; and said Boston and Lowell Rail-road Corporation are hereby authorized to receive and hold the same, whenever a majority, in interest, of the stockholders of the two corporations, respectively, shall elect so to do; and, for this purpose, the Boston and Lowell Rail-road Corporation may increase their capital stock, by new shares, to the amount of fifty thousand dollars.

When to take effect.

SECTION 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

Chap 250.

An Act to authorize the City of Boston to construct a Rail-road from the Providence Rail-road to South Bay.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of road.

SECTION 1. The city of Boston is hereby authorized to locate and construct a branch rail-road, from some convenient point on the Boston and Providence Rail-road, near Baldwin's Mills; thence running southeast of Baldwin's lot, so called, crossing Tremont, Northampton, Suffolk, Chester, Washington, and Springfield streets, and Harrison avenue, to some point near the northeast end of the sea wall in South Bay; and said branch rail-road may be connected with the Boston and Providence Rail-road, upon such terms and conditions as may be agreed upon by and between the said city of Boston and the Boston and Providence Rail-road Corporation.

Connexion with Boston and Providence Rail-road.

Not to convey passengers or merchandise for hire.
Rate of speed, &c.
Land not to be taken without consent, &c.

SECTION 2. Said branch rail-road shall not be used for the purpose of conveying passengers or merchandise for hire, and the rate of speed upon the same shall never exceed five miles an hour; and no part of the said road shall ever be located upon the lands of any person or corporation, without the consent of such corporation first had and obtained.

City may locate branch tracks,

SECTION 3. The said city may locate, from time to time, as convenience may require, branch tracks, for the purpose of filling up and grading any streets, passage-ways, or

lands, in the said city, southerly of the Worcester Railroad. And the said branch rail-road, and branch tracks, shall be removed within five years from the first day of May, in the year one thousand eight hundred and forty-seven.

to be removed
by May 1,
1852.

SECTION 4. This act shall take effect from and after its passage. [Approved by the Governor, April 23, 1847.]

When to take
effect.

An Act to incorporate the Worcester Health Insurance Company.

Chap 251.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Frederick W. Paine, Francis T. Merrick, and Charles W. Hartshorn, their associates and successors, are hereby created a corporation, by the name of the Worcester Health Insurance Company, to be established in the town of Worcester, for the purpose of making assurance upon health, with all the powers and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation: *provided, however*, that the terms and conditions of its policies shall be approved by the governor and council.

Persons incor-
porated in Wor-
cester, to make
assurance upon
health.

Governor and
council to ap-
prove terms of
policies.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share, so subscribed, shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in two newspapers, published in the town of Worcester; or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

Capital stock
not to exceed
\$50,000 in
shares of \$25,
to be paid in
instalments,
&c. with secu-
rity, &c.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are or may become subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner stated; but after the said four hundred shares of said stock have been subscribed for, and paid in or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

Only owners of
stock to be in-
sured, till 400
shares have
been subscribed,
&c.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans

Investment of
capital stock.

upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Real estate not to exceed \$10,000.

Dividends, &c.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance struck, of the affairs of said corporation; and, if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum, not exceeding an interest of six per cent. per annum on the amount of capital stock actually paid in, on the stock held by them, if so much remain after paying said losses and expenses, and providing for said risks; and in case of said dividend not being paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Division of remaining profits.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among stockholders, shall never exceed ten per cent. per annum on the capital stock actually paid in; but such surplus of profits over ten per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation subscribed for, and paid in, shall be reduced or impaired.

Surplus of profits over ten per cent. to be divided among the insured.

Capital stock not to be reduced.

Unpaid dividends to be advertised, &c.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks in two daily newspapers, published in Worcester.

Subscribers may be required to effect insurance, &c.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of said corporation, to effect insurance therein, either upon his own health, or upon the health of some other person, for such length of

time as they shall prescribe; and every person effecting insurance in said corporation, shall have the privilege of subscribing for, at least, one share of said stock, until the whole number of shares, authorized by this act, shall be taken up. But insurances may be made, and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

SECTION 9. Suits at law may be maintained, by any stockholder or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage. And no stockholder or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

Corporation may be sued, &c.

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for such purpose. Such statement shall contain, first, the amount of premiums received during said period, and the amount of interest received from investments and loans; second, the amount of expenses of the said company during the same period; third, the amount of losses incurred within said term; fourth, the balance remaining with said company; fifth, the nature of the security in which the said balance is invested, and the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

Balance-statements to be made at specified times, exhibiting—

1. amount of premiums and interest;
2. amount of expenses;
3. amount of losses;
4. balance in hand;
5. nature of security, amount of cash, &c.

Copies to be transmitted to the Secretary of the Commonwealth for the Legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk.

Risks not to be taken on lives, &c.
Nor more than \$400 annually, on a risk.

SECTION 12. This act shall take effect from and after its passage. [*Approved by the Governor, April 23, 1847.*]

When to take effect.

Chap 252.

An Act to incorporate the Norfolk County Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

**Persons incor-
porated.**

SECTION 1. Welcome Farnum, Willis Fisher, Shadrach Atwood, and Jeremiah Blake, their associates and successors, are hereby made a corporation, by the name of the Norfolk County Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in all statutes which have been, or shall be hereafter, passed relating to rail-road corporations.

**Location of
road.**

SECTION 2. Said company may construct a rail-road, from some convenient point on or near the Walpole Rail-road, as located in the village of Walpole, at or near its terminus, thence in a southwesterly direction towards Campbell's Mill Pond, and near North Wrentham Meeting-house, until the line strikes near the Franklin city factories ; thence southerly, passing near Franklin Centre, and along the valley of Mine Brook, and across the dividing ridge of the Blackstone and Charles River waters ; thence into the valley of Peter River, and across Peter River ; thence nearly to the foot of Scott's Hill, and along the foot of said hill, to a terminus in Blackstone, and to some convenient point on the Providence and Worcester Rail-road, in said town of Blackstone.

**Capital stock
not to exceed
\$500,000 in
shares of \$100.**

SECTION 3. The capital stock of the corporation shall consist of not more than five thousand shares, the number of which shall be determined, from time to time, by the directors thereof ; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share ; and said corporation may take, purchase, and hold, such real estate, and may purchase and hold such engines, cars, and other things, as may be necessary for the use of said rail-road, and for the transportation of passengers, goods and merchandise.

**Time for loca-
tion and com-
pletion of road.**

SECTION 4. If the location of the road, as provided for in the second section, be not filed, according to law, within one year, and the said rail-road be not completed within three years, from the passage of this act, then the same shall be void.

**May enter upon
and use the
Walpole, the
Dedham
Branch, and the
Boston and
Providence
Rail-roads.**

SECTION 5. Said company is hereby authorized to enter upon and unite their rail-road, by proper means, with the Walpole Rail-road, at or near the termination thereof, in Walpole ; and also to use the said Walpole Rail-road, and Dedham Branch Rail-road, and Boston and Providence Rail-road, paying therefor such a rate of toll as may be mutually agreed upon by the parties, or as the Legislature may, from time to time, prescribe.

SECTION 6. Said company is hereby authorized to enter upon and unite their rail-road, by proper means, with the Providence and Worcester Rail-road, at the intersection thereof, in Blackstone, and also to use the said Providence and Worcester Rail-road, paying therefor such a rate of toll as may be mutually agreed upon by the parties, or as the Legislature may, from time to time, prescribe.

May enter upon and unite with the Providence and Worcester Rail-road.

SECTION 7. The said company and the Walpole Rail-road Company may unite their corporations, and form one joint-stock company, to be known by the name of the Norfolk County Rail-road Company, and to be controlled throughout by one management, whenever a majority in interest of each company shall elect so to do,—and said united company shall be entitled to hold a capital stock equal to the amount of their joint capitals, and shall be subject to all the provisions, and entitled to all the privileges, contained in their respective charters.

May unite with the Walpole Rail-road Company.

SECTION 8. If the said Walpole Rail-road Company shall not consent to unite with said Norfolk County Rail-road Company, share and share alike, within three months after said Norfolk County Rail-road Company shall have offered to form such a union, then the said Norfolk County Rail-road Company may continue and construct their road from their terminus, in said Walpole, to the most convenient point on the Boston and Providence Rail-road, with power to enter upon said Boston and Providence road by proper means, and to use the same, subject to such tolls as may be mutually agreed between said corporations, or as the Legislature may, from time to time, prescribe.

If not united with Walpole Rail-road Company, may enter upon and use the Boston and Providence Rail-road.

SECTION 9. The said company, when formed pursuant to the provisions of the seventh section, shall have power to construct a branch road from a point near the crossing of the Norfolk and Bristol turnpike, in South Dedham, and extending across Fowl Meadow and Neponset River, to a point in the Boston and Providence Rail-road near the eleven-mile post, with power to enter upon said road by proper means, and to use the same, subject to such tolls as may be mutually agreed between said corporations, or as the Legislature may, from time to time, prescribe.

Location of Branch Road.

SECTION 10. The Legislature may, from time to time, reduce the rate of toll, or other receipts, on said rail-road, whenever the net income thereof shall exceed ten per cent. per annum; but the toll, or other receipts, shall not, without the consent of the company, be so reduced as to produce less than ten per cent. per annum on the investment in said company.

The Legislature may reduce tolls and profits from time to time.

Provided, &c.

SECTION 11. The Legislature may authorize any company to enter, with their rail-road, at any point on the said road, and use the same, or any part thereof, by complying with such reasonable rules and regulations, and paying such tolls,

The Legislature may authorize its use by any other company.

as said Norfolk County Rail-road Company may require and prescribe, or as may be determined according to law.

When to take effect.

SECTION 12. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1847.*]

Chap 253.

An Act to authorize the Boston and Lowell Rail-road Corporation to construct a Branch Road in Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location of Branch Road.

SECTION 1. The Boston and Lowell Rail-road Corporation are hereby authorized and empowered to locate, construct, and maintain a branch rail-road, commencing at a point easterly of the draw in their present rail-road bridge over Charles River, not exceeding sixty-five feet from the south stone abutment of said bridge, and running thence in Boston, within the commissioners' line, established by "An Act concerning the Harbor of Boston," passed the seventeenth day of March, in the year one thousand eight hundred and forty, and passing between Andover street and the centre of the dock which lies between said Andover street and the freight-house of the Boston and Maine Rail-road, to Causeway street: *provided*, that no part of the road hereby authorized shall be located or constructed beyond the aforesaid commissioners' line.

Powers and duties.

SECTION 2. The Boston and Lowell Rail-road Corporation, in the location, construction, and use of the branch road hereby authorized, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes, and in all general laws which are now, or may be hereafter, in force, respecting rail-road corporations in this Commonwealth.

Road over Charles River to be constructed under the direction of a commissioner, to be appointed by the governor and council. Capital stock may be increased by adding \$500,000.

SECTION 3. Every part of the road hereby authorized, in or over the waters of Charles River, below low-water mark, shall be constructed on piles, so as to cause the least obstruction to the flow of the stream, under the direction of a commissioner, to be appointed by the governor and council, at the expense of said corporation.

SECTION 4. The said corporation are hereby authorized, for the purpose of making said road, purchasing necessary lands, and constructing suitable station and depot buildings in Boston, to increase their capital stock in the sum of five hundred thousand dollars.

Time for location and completion of road.

SECTION 5. If the location of the branch road, hereby authorized, shall not be filed, according to law, within two years, or if the said road shall not be completed within three years, then this act shall be void. [*Approved by the Governor, April 24, 1847.*]

An Act relating to Repairs of Highways.

Chap 254.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The tenth section of the twenty-fifth chapter of the Revised Statutes is hereby so far repealed, that any town, at a legal meeting called for that purpose, may determine at what time or times the money wanted by such town, for repairing highways and townways, shall be laid out and expended. [Approved by the Governor, April 24, 1847.]

Towns may determine time for laying out and expending money wanted for repairs of highways and townways.

An Act to incorporate the Franklin Library Association.

Chap 255.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles H. Bigelow, Caleb N. Marvel, Charles S. Storow, their associates and successors, are hereby made a corporation, by the name of the Franklin Library Association, to be established in the town of Lawrence, in the county of Essex, for the purpose of establishing and maintaining a Library and Reading Room, advancing useful arts and sciences, and promoting public instruction by lectures or otherwise, and also for the purpose of affording relief to unfortunate members of said association or their families, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated, in Lawrence.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole seventy-five thousand dollars, the income of which shall be devoted to the aforesaid purposes. [Approved by the Governor, April 24, 1847.]

Estate not to exceed \$75,000.

An Act relating to the Employment of Convicts.

Chap 256.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

After the expiration of any contract now existing, no convict, sentenced to the punishment of hard labor in any prison in this Commonwealth, shall be employed in the business of engraving, or in any other employment incidental to the making of bank notes. [Approved by the Governor, April 24, 1847.]

Imprisoned convicts not to be employed in engraving, &c.

An Act authorizing the Chelsea Branch Rail-road Company to change its Name.

Chap 257.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Chelsea Branch Rail-road Company is hereby authorized, by a vote of the corporation, to take, in-

May take the name of the Grand Junction

Rail-road and Depot Company.

Property &c. to be enjoyed by, and belong to, said corporation under its new name.

When to take effect.

Chap 258.

Provisions for election of overseers of the poor,

and school committee.

Elections of April 5 and 19, 1847, confirmed.

Repeal of inconsistent provisions.

When to take effect.

stead of its present corporate name, the name of the Grand Junction Rail-road and Depot Company.

SECTION 2. As soon as said corporation shall so take said new name, all the property, franchises, powers, rights, and privileges granted, belonging or appertaining to, enjoyed or authorized to be had by, and all the duties, liabilities, restrictions, and obligations imposed upon, or appertaining to, said corporation, by virtue of the charter of said corporation, its acts, and the laws concerning said corporation, shall thereupon be enjoyed by, belong or appertain to, and be imposed upon, said corporation, under the said name of the "Grand Junction Rail-road and Depot Company," in the same manner, as fully and effectually, to all intents and purposes, as if the said new name had been set forth in the charter of said corporation and the laws concerning the same, or as if the original name of said corporation had never been changed.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1847.*]

An Act to amend An Act to establish the City of Charlestown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, two persons, who shall be residents of the ward for which they are elected, to be overseers of the poor; and the mayor, together with the persons thus chosen, shall constitute the Board of Overseers of the Poor. And at the same time, and in the same manner, the qualified voters of the city shall elect five persons from the city at large, and the qualified voters of each ward shall elect two persons, who shall be residents of the ward for which they are elected, to be members of the school committee, and the eleven persons thus chosen shall constitute the school committee.

SECTION 2. The elections of overseers of the poor and school committee, made on the fifth and nineteenth days of April, in the year one thousand eight hundred and forty-seven, under the provisions of the Act to establish the City of Charlestown, passed on the twenty-second day of February, in the year one thousand eight hundred and forty-seven, are hereby confirmed.

SECTION 3. Such parts of the eleventh section of said act, as are inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1847.*]

An Act in addition to an Act relating to Proceedings of County Commissioners.

Chap 259.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The provisions of the second and third sections of the seventy-sixth chapter of the statutes passed in the year eighteen hundred and thirty-nine, shall extend to applications to the county commissioners, under the two hundred and seventy-first chapter of the statutes passed in the year eighteen hundred and forty-six, and to all other applications in which the county has no interest. And said commissioners, in all cases arising under this section, and also under said sections of the act first mentioned, may hold special meetings for the purpose of making returns of their proceedings, and accepting and recording the same; the costs of which shall be paid by such of the parties as the commissioners shall decide.

Applications for rail-roads to cross highways, &c. on the same level, &c. to be subject to provisions, &c.

Special meetings of county commissioners, and costs thereof.

SECTION 2. In all cases provided for in the preceding section, a recognizance shall be taken to the county, and all costs and expenses enforced, in the same manner as is provided in the statutes of the year eighteen hundred and thirty-six, chapter two hundred and seventy-eight.

Provisions for taking recognizances and enforcing costs, &c.

SECTION 3. Whenever damages shall have been assessed against any rail-road corporation, upon the petition of any person injured by the location and construction of their road, by the county commissioners or the verdict of a jury, the said commissioners may issue warrants of distress to compel the payment of such damages, together with costs and lawful interest: *provided*, that no such warrant shall issue till after the expiration of the time allowed by law for filing a petition for a jury.

Collection of damages, &c. by warrants of distress.

Provided, &c.

SECTION 4. The provisions of the act of the third of March, in the year eighteen hundred and forty-two, entitled "An Act relating to the Duties of County Commissioners," are hereby extended to town-ways and private ways hereafter to be laid out or altered by selectmen of towns, in such manner, that no claim for damages, sustained by any persons in their property, by any such laying out or alterations, shall be made until the land over which such ways are located shall have been entered upon, and possession taken, for the purpose of constructing said ways or alterations: *provided*, that when any person, claiming damages, shall have been put to any expense for injuries sustained by such proceedings, the selectmen aforesaid shall allow him full indemnity therefor, although his land may not have been so entered upon and possession taken as aforesaid: *and provided, further*, that any party aggrieved by the estimate of said last-named damages may have a jury

Provisions in respect to highways extended to town-ways and private ways, so that damages shall not be claimed till, &c.

Provided, &c.

to revise such estimate, in the same way and manner as is now provided in case of town-ways and private ways.

Repeal of inconsistent provisions.

SECTION 5. So much of the twentieth section of the forty-fourth chapter of the Revised Statutes, as is inconsistent with this act, is hereby repealed. [*Approved by the Governor, April 24, 1847.*]

Chap 260. An Act to extend the Time for locating the Lancaster and Sterling Branch to the Fitchburg Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for filing location of road extended to July 16, 1848.

SECTION 1. The time prescribed for the filing of the location of a branch rail-road, specified in an act entitled "An Act to incorporate the Lancaster and Sterling Branch Rail-road Company," passed on the sixteenth day of April, in the year one thousand eight hundred and forty-six, is hereby extended for the term of fifteen months.

United corporations may locate and construct Branch road in sections.

SECTION 2. The Fitchburg Rail-road Company, with which said Lancaster and Sterling Branch Rail-road Company have been united, are hereby authorized to locate and construct such branch rail-road in sections, commencing at the junction with the Fitchburg Rail-road; and said act, hereby extended, shall not become void, except for that portion of said branch rail-road which shall not have been located or constructed within the time prescribed.

When to take effect.

SECTION 3. This act shall take effect from its passage. [*Approved by the Governor, April 24, 1847.*]

Chap 261. An Act to increase the Capital Stock of the Western Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock may be increased by adding \$1,600,000 in shares of \$100.

SECTION 1. The directors of the Western Rail-road Corporation are hereby authorized to increase their capital stock to an amount not exceeding one million six hundred thousand dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, not exceeding sixteen thousand, of one hundred dollars each, and may dispose of the same, at not less than one hundred dollars per share, as hereinafter provided.

Appropriations of additional capital.

SECTION 2. The proceeds of said shares shall be appropriated for additional expenditures of construction of the road, and its appurtenances, for engines and cars therefor, for payments into the sinking funds of said corporation, and for the purchase of the sterling scrip of Massachusetts, as the directors shall judge best for the interest of the corporation, and for no other purpose. And said corporation may make all payments into the Massachusetts sinking fund in sterling scrip of Massachusetts, and may, at any time, purchase the

Payments to sinking fund, &c.

securities belonging to said Massachusetts sinking fund, or any part thereof, with said sterling scrip.

SECTION 3. Whenever the capital stock of said corporation shall be increased, as herein provided, the directors shall, before any sale of the new shares so created, give notice thereof, in writing, to the treasurer of the Commonwealth and to the private stockholders, to be transmitted in such manner as they judge best; and the Commonwealth, and the other owners of stock at the time of such increase, may, within thirty days after such notice, take, at the par value thereof, their proportion of such increased number of shares, according to the number of shares in such capital stock owned by them. And if any shares then remain unsold, the said corporation may dispose of the same at not less than the par value thereof.

Directors to give notice, before sale of additional shares.

Commonwealth and other stockholders may take new shares at par, in proportion, &c. Residue to be sold for not less than par.

SECTION 4. Whenever notice of any such increase of capital stock shall be given to the treasurer of the Commonwealth, the governor may, if he judge best, instruct the treasurer to take the proportion of shares to which the Commonwealth may be entitled, or any part thereof; and the governor, with advice of the council, may draw his warrant on the treasurer in payment therefor, or he may authorize the treasurer to give the note of the Commonwealth for the same, or any part thereof, to be paid, with interest, whenever provision shall be made by law therefor. And in case he should not judge best to take the proportion of shares to which the Commonwealth may be entitled, he may instruct the treasurer to sell the right of the Commonwealth to take the said shares.

Governor may instruct Treasurer to take new shares, &c.

and, with advice of council, may draw warrant, or authorize payment by note, &c.

or may instruct the Treasurer to sell the Commonwealth's right.

When to take effect.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1847.*]

An Act concerning the Powers of Cities.

Chap 262.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The city council of any city shall have power and authority to make all by-laws, not inconsistent with the laws of the Commonwealth, that may be necessary to preserve the peace, good order, and internal police of the city, and may annex suitable penalties, not exceeding twenty dollars for any one breach thereof, to be recovered by complaint before any police court in such city, or any justice of the peace in a city where no police court is established: *provided*, that nothing herein contained shall be construed to affect the provisions of an act entitled "An Act to prevent Obstructions in the Streets of Cities, and to regulate Hackney-coaches and other Vehicles," passed at the present session of the Legislature.

City Council to make by-laws for the preservation of the peace, &c. with penalties not exceeding \$20.

Provided, &c.

SECTION 2. So much of an act passed on the ninth day of *Repeal of so much of ch. 166,*

as refers to cities.

April, in the present year, entitled "An Act concerning the Powers of Cities and Towns," as relates to any city in the Commonwealth, is hereby repealed. [*Approved by the Governor, April 24, 1847.*]

Chap 263.

An Act relating to Public Charities.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

District Attorneys to see to appropriation of funds, &c.

SECTION 1. The district attorneys of this Commonwealth shall see that all funds, given or appropriated to public charities within their several districts, are duly applied to their respective objects; and they are hereby authorized and required to use all lawful process to prevent the misapplication thereof, and to apply all lawful remedies for the correction of abuses and breaches of trust in the administration of the same.

When to take effect.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1847.*]

Chap 264.

An Act in relation to the Returns of Auctioneers, and the Payment of Auction Duties.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annual returns to be made to the Treasurer, &c. under oath, &c. and to pay tax accordingly.

SECTION 1. Every auctioneer shall duly render to the Treasurer of the Commonwealth a true and particular account, under oath, of all sales and transactions at auction subject to taxation, made by him or under his authority, and shall pay a tax thereon according to the provisions of the ninth chapter of the Revised Statutes; or, in case any licensed auctioneer shall have made or authorized no such sales, for one year previous to the first day of December in any year, he shall certify that fact in writing to the Treasurer, and shall make oath to the truth of such certificate in the manner provided in the thirteenth section of the said chapter; and such oath shall be certified and endorsed in conformity with the provisions of said section.

Penalty for neglect.

SECTION 2. Any auctioneer who shall fail to comply with the provisions of this act, or of the ninth chapter of the Revised Statutes, shall be subject to a fine not exceeding ten dollars, and shall forfeit his compensation of four per cent. of any tax accruing on any sales made or authorized by him, and shall pay interest on such tax, at the rate of two per cent. per month, instead of the interest now prescribed in such case by said chapter.

Repeal of inconsistent provisions.

SECTION 3. All acts or parts of acts inconsistent with this act are hereby repealed. [*Approved by the Governor, April 26, 1847.*]

An Act to incorporate the Lowell Health Insurance Company.

Chap 265.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Elisha Huntington, William Livingston, John Clark, their associates and successors, are hereby made a corporation, by the name of the Lowell Health Insurance Company, to be established in the city of Lowell, for the purpose of making assurance upon health, with all the powers and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation : *provided, however*, that the terms and conditions of its policies shall be approved by the governor and council.

Persons incorporated in Lowell, to make assurance upon health.

Governor and council to approve terms of policies, &c.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in some newspaper published in the city of Lowell; or the same may be made payable in regular instalments, at stated periods, at the discretion of the directors.

Capital stock not to exceed \$50,000, in shares of \$25, to be paid in instalments, &c.

with security, &c.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are, or may become, subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner stated; but, after the said four hundred shares of said stock have been subscribed for and paid in, or secured as required, the said corporation may exercise all the powers and privileges conferred by this act.

Only owners of stock to be insured till 400 shares have been subscribed, &c.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans upon bonds, and mortgages, on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Investment of capital stock.

Real estate not to exceed \$10,000.

Dividends.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance struck, of the affairs of said corporation; and, if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum, not exceeding an interest of six per cent. per annum, on the amount of capital stock actually paid in, on the stock held by them, if so much remain after paying said losses and expenses, and providing for said risks; and, in case of said dividend not being paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Division of remaining profits.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors, and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among stockholders, shall never exceed ten per cent. per annum on the capital stock actually paid in; but such surplus of profits over ten per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Surplus profits over 10 per cent. to be divided among the insured.

Capital stock not to be reduced.

Unpaid dividends to be advertised, &c.

SECTION 7. All dividends, remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in some newspaper published in Lowell.

Subscribers may be required to effect insurance, &c.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of said corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares authorized by this act shall be taken up. But insurances may be made and risks taken by said corporation, at the request of applicants, without their becoming stockholders.

Corporation may be sued, &c.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be

withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after said corporation shall have been duly notified of such loss or damage. And no stockholder, or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for such purpose: such statement shall contain, 1st, the amount of premiums received during the said period, and the amount of interest received from investments and loans; 2d, the amount of the expenses of said company during the same period; 3d, the amount of losses incurred within said term; 4th, the balance remaining with said company; 5th, the nature of the security in which the said balance is invested, and the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the Secretary of the Commonwealth, to be by him laid before the Legislature.

Balance-statements to be made at specified times, exhibiting—

1. Amount of premiums and interest;
2. Amount of expenses;
3. Amount of losses;
4. Balance on hand;
5. Nature of security, amount of cash, &c.

Copies to be transmitted to the Secretary of the Commonwealth for the Legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or any thing save assurance upon health. Nor is it permitted to insure more than four hundred dollars per annum on any one risk.

Risks not to be taken on lives, &c.

nor more than \$400 on a risk.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, April 26, 1847.]

When to take effect.

An Act in addition to an Act concerning the Sinking Fund of the Western Rail-road.

Chap 266.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The commissioners of the sinking fund of the Western Rail-road may, from time to time, at their discretion, invest the moneys on hand, by loaning the same on interest, well secured by pledge of the stocks of any rail-road corporation in this State, whose original capital has been wholly paid in, excepting the stock of said Western Rail-road Corporation; and they may invest all, or any part, of said fund, in the purchase of any of the stocks specified in the Act of March thirteenth, in the year one thousand eight hundred and thirty-nine, in relation to said

Investment of moneys by commissioners.

Provided, &c. sinking fund: *provided*, that not more than thirty per cent. thereof shall, at any one time, be so invested in said rail-road stock, and not more than ten per cent. thereof, in the stock of any one rail-road corporation. And said commissioners may, at any time, sell and transfer to the Western Rail-road Corporation any stocks, or securities, belonging to said fund, on receiving from said corporation an equal amount, in value, of the sterling scrip of Massachusetts; and shall, if so requested by said corporation, receive the sterling scrip of Massachusetts in payment of all future sums required to be paid, by said corporation, into said sinking fund.

Stocks may be sold to corporation for scrip,

and scrip shall be received for dues of corporation.

Repeal of inconsistent provisions.

SECTION 2. So much of the third section of the act of March thirteenth, one thousand eight hundred and thirty-nine, concerning the sinking fund of the Western Rail-road Corporation, as requires the commissioners of said fund to loan, on pledge of rail-road stocks, to those rail-road corporations, only, whose road and property are unincumbered, and to loan at least one third of said fund, on security by mortgage of real estate, and that not more than twenty per cent. of said fund shall, at any one time, be invested in said rail-road stock, and not more than seven per cent. thereof in the stock of any one rail-road corporation, is hereby repealed, except so far as the same relates to the investment of said fund in the stock of said Western Rail-road Corporation.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1847.*]

Chap 267.

An Act relating to Leasehold Estates.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Fourteen days written notice to quit, sufficient after neglect to pay rent, &c.

Provided, &c.

SECTION 1. In all cases of neglect or refusal to pay the rent due, according to the terms of any written lease, fourteen days notice to quit, given in writing by the landlord to the tenant, shall be sufficient to determine the lease: *provided, however*, that if the tenant shall pay or tender to the landlord the rent due, with interest thereon, at any time before final judgment, under the proceedings provided for in the second section of this act, the lease shall be and continue in full force: *and provided, also*, that nothing herein contained shall affect any other rights or remedies on the part of the lessor which may be provided for in any written lease.

Method of recovering possession in such case.

SECTION 2. Whenever any lease in writing shall be determined in the manner provided for in the first section of this act, the lessor, or his assigns, may recover possession of the demised premises in the manner provided for in the

one hundred and fourth chapter of the Revised Statutes in cases of forcible entry and detainer.

SECTION 3. Whenever an attachment of any leasehold estate shall be made on mesne process, it shall be the duty of the officer making such attachment to state, in his return, in general terms, the leasehold property attached; and, in order to render such attachment valid and effectual, like proceedings shall be had relative thereto as are now required in relation to attachments of real estate in the twenty-eighth, twenty-ninth, and thirtieth sections of the ninetieth chapter of the Revised Statutes, and in the one hundred eighty-sixth chapter of the acts passed in the year one thousand eight hundred and thirty-eight, and the eighty-ninth chapter of the acts passed in the year one thousand eight hundred and thirty-nine.

Duty of officers in attachments of leasehold estates on mesne process, and conditions of validity thereof.

SECTION 4. Whenever any term of years shall hereafter be seized on execution as a personal chattel, by virtue of the thirty-third section of the ninety-seventh chapter of the Revised Statutes, the officer, before selling the same on execution, shall give fourteen days notice of the time and place of sale, by leaving notice thereof in writing with the debtor personally, or at his last and usual place of abode, and by posting the same notice on the demised premises intended to be sold.

Proceedings in cases of seizure of a term of years, &c. as a personal chattel.

SECTION 5. All acts and parts of acts, inconsistent herewith, are hereby repealed, [*Approved by the Governor, April 26, 1847.*]

Repeal of inconsistent provisions.

An Act to incorporate the Traders Fire and Marine Insurance Company in Boston.

Chap 268.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Abel Proctor, Robert Farley, and Joseph Lord, their associates and successors, are hereby made a corporation, by the name of the Traders Fire and Marine Insurance Company, of Boston, for the purpose of making insurance against maritime losses, and against losses by fire; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in the one hundred and seventy-eighth chapter of the acts of the year one thousand eight hundred and thirty-eight, for the term of twenty years.

Persons incorporated in Boston to insure marine and fire risks for 20 years.

SECTION 2. The capital stock of said company shall be one hundred thousand dollars, with liberty to increase it to two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be collected and paid in, in such instalments, and under such provisions and penalties, as

Capital stock to be \$100,000, with power to increase to \$200,000, in shares of \$100, &c.

the president and directors of said company shall order and appoint. [*Approved by the Governor, April 26, 1847.*]

Chap 269.

An ACT to establish the Agricultural Branch Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Sullivan Fay, James S. Savage, Curtis Newton, their associates and successors, are hereby made a corporation, by the name of the Agricultural Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to rail-road corporations, and in the public statutes which have been, or may be passed, relating to rail-road corporations.

Location of
Branch road.

SECTION 2. Said corporation is hereby empowered to locate, construct and maintain, with one or more tracks, a branch rail-road, commencing at some point near the village of Northborough; thence running to a point near the centre village of Southborough; thence to connect with any branch of the Boston and Worcester Rail-road, near the centre village of Framingham; and such branch rail-road, on its way from said point, near the village of Northborough, to such point near the centre village of Southborough, shall be required to pass to the north of the house of Willard Newton, Esquire, in the southerly part of Marlborough: *provided*, a feasible route shall be found therefor with grades not exceeding forty-two feet to the mile, and which can be constructed at a cost, per mile, not materially exceeding the average cost per mile of the residue of the rail-road hereby authorized.

Provided, &c.

Capital stock
not to exceed
\$280,000 in
shares of \$100.

SECTION 3. The capital stock of said corporation shall not consist of more than twenty-eight hundred shares, the number of which shall, from time to time, be determined by the directors of said corporation. And no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share. And said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Time for loca-
tion and com-
pletion of road.

SECTION 4. If the location of said branch rail-road shall not be filed within sixteen months, and said branch rail-road be not constructed within two years, from the passage of this act, the same shall be void.

May enter upon,
and unite with,
Boston & Wor-
cester Rail-
road.

SECTION 5. Said corporation is hereby authorized to enter upon and unite their rail-road, by proper turnouts and switches, with the said Boston and Worcester Rail-road, and use the same and any part thereof, under the provisions and restrictions of the laws relating to rail-roads.

SECTION 6. The Legislature may authorize any corporation to enter, with another rail-road, upon, and use, the Agricultural Branch Rail-road, or any part thereof, by complying with such reasonable rules and regulations as the said Agricultural Branch Rail-road may prescribe, or as may be determined according to the provisions of law.

The Legislature may authorize any other company to enter upon and use the same.

SECTION 7. The Legislature may, after the expiration of five years from the time when said branch rail-road shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road; but said toll shall not be so reduced, without the consent of said corporation, as to produce, with said profits, less than ten per cent. per annum upon the investment of said corporation. [*Approved by the Governor, April 26, 1847.*]

The Legislature may reduce tolls and profits after 5 years.

Provided, &c.

An Act concerning the Tenure of Judicial Officers.

Chap 270.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. So much of the thirtieth section of the eighty-seventh chapter of the Revised Statutes as is contained in the following words, "who shall hold their offices for the same time and by the like tenure as is provided with respect to justices of the peace," is hereby repealed.

Justices of Police Courts in Salem, Lowell, Newburyport, and New Bedford, to hold their offices during good behavior.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1847.*]

When to take effect.

An Act extending the Limits of certain Mutual Fire Insurance Companies.

Chap 271.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Holyoke Mutual Fire Insurance Company, The Essex Mechanics Mutual Fire Insurance Company, and the Bowditch Mutual Fire Insurance Company, all located at Salem, in the County of Essex, are hereby empowered to insure any property included in the terms of their charters, and situated any where in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed, as to said companies: *provided however*, that this act shall not take effect in reference to either of said companies, until the same shall be accepted at a meeting of said company, called for the purpose: *provided also*, that any member of a company accepting this act, dissenting from the acceptance thereof, shall have the right, at any time within three months after such acceptance, to cancel his policy, after having discharged all assessments and dues from him under his policy. [*Approved by the Governor, April 26, 1847.*]

The Holyoke, Essex Mechanics, and Bowditch Mutual Fire Insurance Companies, in Salem, may insure fire risks any where in New England. Repeal of inconsistent provisions.

Provided, &c.

Chap 272.

An ACT to authorize the Extension of the Berkshire Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location, &c
of extension
rail-road.

SECTION 1. The Berkshire Rail-road Company are hereby authorized, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the laws of the Commonwealth now in force, or which may hereafter be enacted, relating to rail-road companies, to extend their rail-road from some point near West Stockbridge Village, to the Western Rail-road, near its intersection with the State line, in said West Stockbridge, and to connect the same, by proper turn-outs and switches, with said Western Rail-road, and transport passengers, merchandise, and other articles, over such extension rail-road.

Construction of
road.

SECTION 2. The Berkshire Rail-road Company, in constructing their extension rail-road, shall not lay down more than a single track upon any lands, or within the limits, of the West Stockbridge Rail-road Corporation; and shall not, at any point, place either of their rails within the distance of eleven feet from the nearest rail of the track of the West Stockbridge Rail-road Corporation, without their consent, except for the purpose of crossing the same near the State line, if found advisable.

Restrictions on
transportation.

SECTION 3. The Berkshire Rail-road Company, and their lessees and representatives, shall not, without the written consent of the West Stockbridge Rail-road Corporation, transport, over the extension rail-road, hereby authorized, any freight or passengers destined for Hudson, or any point on the Hudson and Berkshire Rail-road, west of the State line; nor shall they, without such consent, transport, on such extension rail-road, any passengers or freight, passing from any points on the Hudson and Berkshire Rail-road, west of such State line, to West Stockbridge, or to any points on the Berkshire Rail-road: *provided however*, that these provisions shall not apply in any year, or portion of any year, in which no rail-road shall be in operation between West Stockbridge Village and Hudson; or in which the Hudson and Berkshire Rail-road shall be discontinued between the State line and Chatham: *and provided, also*, that nothing herein contained shall preclude the Berkshire Rail-road Company, and their lessees and representatives, from transporting, over such extension rail-road, any freight or passengers destined to or from points upon the Albany and West Stockbridge Rail-road, or to or from the cities of Troy or Albany, and points north or west of the same, or to or from points on the Western Rail-road and its branches.

Provided, &c.

Berkshire Com-
pany to retain

SECTION 4. The Berkshire Rail-road Company shall continue to have and possess all the rights and privilege of run-

ning trains on the West Stockbridge Rail-road, and of the use and occupation of its buildings and fixtures, which were granted to them by the West Stockbridge Rail-road Corporation, by a contract or indenture made between the said corporations, bearing date the sixth day of February, in the year one thousand eight hundred and forty-four, so long as said Berkshire Rail-road Company shall perform all its obligations under said contract; and, whether they shall use the same or not, after the construction of their extension rail-road, shall continue to pay to said West Stockbridge Rail-road Corporation the monthly rent prescribed in said contract or indenture, and shall pay their proportion of the expense of keeping said West Stockbridge Rail-road in repair, as prescribed in said contract: *provided*, that the said West Stockbridge Rail-road Corporation shall duly perform its obligations under said contract.

rights in Stock-
bridge road,
&c.

and continue
to pay for the
same, &c.

Provided, &c.

SECTION 5. The West Stockbridge Rail-road Corporation are hereby authorized to sell and convey, to the Berkshire Rail-road Company, their entire road, buildings, and fixtures; and if a conveyance thereof, with a clear title, free from all claims of the Hudson and Berkshire Rail-road to the same, and the use of the same, shall be tendered to them within nine months from the time this act shall take effect, the Berkshire Rail-road Company shall be, and are hereby, authorized and required to accept the same, and pay therefor the sum of thirty thousand dollars, at which price the same has been appraised; and, in case the West Stockbridge Rail-road Corporation shall, within said term of nine months, elect to sell, as aforesaid, their rail-road, buildings, and fixtures, and prefer to have the same appraised by commissioners, then the governor and council may, upon the application of the West Stockbridge Rail-road Corporation, appoint three impartial commissioners, who shall appraise, as soon thereafter as may be, such rail-road, and its buildings and fixtures, exclusive of all iron thereon furnished by the Berkshire Rail-road Company; and the Berkshire Rail-road Company shall thereupon be required to pay therefor, upon receiving a clear title thereto, the amount of such valuation, instead of paying therefor such sum of thirty thousand dollars; and, upon such sale and transfer, the said West Stockbridge Rail-road shall be united with, and become a part of, said Berkshire Rail-road; and said West Stockbridge Rail-road Corporation shall, after payment of their just debts and liabilities, divide their assets, *pro rata*, among their shareholders, and be thereupon dissolved.

West Stock-
bridge Rail-
road Company
may sell road,
buildings, and
fixtures, to the
Berkshire Rail-
road Company,
&c.

SECTION 6. The Berkshire Rail-road Company are hereby authorized to purchase and hold any real estate, required for depots and other rail-road purposes, for such extension rail-road.

May purchase
and hold real
estate for de-
pots, &c.

Roads may be leased to the Housatonic Rail-road Company.

Capital stock may be increased by adding \$50,000.

Time for location and completion of road.

Berkshire Company must take a lease of West Stockbridge road, &c, if tendered, &c.

Provided, &c.

SECTION 7. The Berkshire Rail-road Company are hereby empowered to lease such extension rail-road, and the West Stockbridge Rail-road, if they shall purchase the same, to the Housatonic Rail-road Company.

SECTION 8. The said Berkshire Rail-road Company are further empowered, for the purposes of this act, to increase their capital stock, to the amount of fifty thousand dollars.

SECTION 9. In case the Berkshire Rail-road Company shall not, within two years from the time this act shall take effect, locate and construct such extension rail-road, the right to locate and construct the same shall cease and expire.

SECTION 10. In case the West Stockbridge Rail-road Corporation shall not, within said term of nine months, elect to sell their rail-road to said Berkshire Rail-road Company, but shall, at any time within five years after this act shall take effect, elect to tender, and, within such term of five years, actually tender to the Berkshire Rail-road Company, a good and sufficient lease of said West Stockbridge Rail-road, its buildings and fixtures, in perpetuity, free from all claims of creditors and lessees, with a rent reserved of eighteen hundred dollars per year, payable, half yearly, at the office of the treasurer of the West Stockbridge Rail-road Corporation, in West Stockbridge Village, and conditioned, further, that the Berkshire Rail-road Company shall keep said rail-road in repair; then, in such case, the Berkshire Rail-road Company are required to accept and execute said lease: *provided*, that, in case said Berkshire Rail-road Company shall, prior to such lease, take any land from said West Stockbridge Rail-road Corporation, for the purposes of said extension rail-road hereby authorized, the interest on the price of such land shall be deducted from such rent. [Approved by the Governor, April 26, 1847.]

Chap 273.

An Act to provide against loss from Insurance by Foreign Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Every person who shall so far represent any corporation, established in any other State or country, as to receive or transmit proposals for insurance, or to receive for delivery policies founded on proposals forwarded from this State, or otherwise to procure insurance to be effected by such corporation, for persons residing in this State, shall be deemed and taken to be acting as agent for, and undertaking to make insurance as agent for, and in behalf of, such corporation, within the meaning of the provisions contained in the thirty-seventh chapter of the Revised Statutes; and shall be subject to the restrictions, and liable to the penalties, therein made applicable to such agent.

Liability of agents for foreign insuring corporations, &c.

SECTION 2. The forty-second section of said chapter shall be so far modified, that contracts of insurance may be made in this State, by the agent of such company as is therein mentioned, if the capital stock thereof amounts to one hundred thousand dollars.

Policies may be issued by agents of foreign companies with a capital of \$100,000.

SECTION 3. Nothing in said forty-second section shall be so construed as to prohibit the making of insurance within this State, by any company incorporated elsewhere on the mutual principle. But no such insurance shall be made, unless the provisions in said thirty-seventh chapter, so far as they are applicable, shall have been duly complied with; and the statement to be filed in conformity thereto shall show, in addition to the amount of capital or reserve held by such company, the whole amount of risks insured by the same; the whole amount of premium thereon; what portion of it has been paid in cash; what security has been taken for the remainder; and what is the largest sum insured in any one risk. [Approved by the Governor, April 26, 1847.]

Provisions for foreign mutual insurance companies.

An Act to secure the Payment of Fees into the Treasury of the Commonwealth in certain Cases.

Chap 274.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Every justice of the peace, and every justice of any police court, who shall receive from any county treasurer the fees of sheriffs, deputy sheriffs, constables, or witnesses, in criminal cases, shall, annually, on the first Monday of January, return, to the county treasurer of his county, all such fees, with a schedule thereof, as shall not have been paid out by him, within three years from the time of the taxing or allowance thereof, to the persons to whom they belong.

Justices of the peace and of police courts, to make annual returns to county treasurers of fees of sheriffs, &c.

SECTION 2. Every county treasurer shall credit to the Commonwealth in his accounts, as is provided in the twelfth section of the one hundred and forty-first chapter of the Revised Statutes, all fees which shall be returned to him according to the provisions of this act. [Approved by the Governor, April 26, 1847.]

County treasurers to credit Commonwealth with fees.

An Act to change the Names of the Persons therein mentioned.

Chap 275.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John C. McRoberts may take the name of John C. Roberts; Henry Smith, minor, may take the name of Henry Farnam Smith; Charles Bean Moulton may take the name of Charles Jeremiah Bean Moulton; William Hunt may take the name of William Morris Hunt; Alexander Wheeler

Suffolk.

may take the name of Alexander Balch Wheeler; James Pedder may take the name of James Sumner; Sarah Ann Pratt Perkins may take the name of Sarah Ann Pratt Cummings; her minor daughter, Sarah Ann Porter Perkins, may take the name of Sarah Ann Pratt Cummings; Forrester Pelby Anderson, minor, may take the name of Forrester Anderson Pelby; Samuel French may take the name of Samuel Albert French; William H. Call may take the name of William H. Mackintosh; James Lewis, minor, son of Winslow Lewis, Jr., may take the name of Winslow Lewis, 3d; Diederick Elderman may take the name of Charles Batchelder; John Williams may take the name of John Earl Williams; Allen Bangs may take the name of Allen E. Bangs; George Lawrence Corporal may take the name of George Corporal Lawrence; his wife, Martha Corporal, may take the name of Martha Lawrence; and their three minor children, to wit, George Lawrence Corporal, Joshua Thorp Corporal, and Martha Amelia Corporal, may severally take the names of George Corporal Lawrence, Joshua Thorp Lawrence, and Martha Amelia Lawrence; Mary Eliza Stowell Hurley may take the name of Mary Eliza Leeds; Sophronia Perry may take the name of Sophronia White; Lucretia E. Beers may take the name of Lucretia E. Pierce; and her two minor sons, George Henry Beers and Allen Augustus Beers, may take the names of George Henry Pierce and Allen Augustus Pierce; Catharine Matilda Wheelock, minor, may take the name of Catharine Brattle Wheelock; Christiana K. Richmond may take the name of Christiana K. Sargent; Ebenezer Ball may take the name of Ebenezer Wallis Ball; Hiram Parker may take the name of Hiram Munroe Parker; Joseph Lee, minor, may take the name of Thomas Joseph Lee; Davis Estis may take the name of David Estis; Lucius Doolittle, Jr., may take the name of Lucius Doolittle Ashley; Samuel Gerrish Barrett, minor, may take the name of Samuel Eddy Barrett; Jonathan Wade may take the name of John Wade; John Muligan may take the name of John Warren Atkins; Lyman Vose, minor, may take the name of Lyman Tucker Vose; Charles Parker may take the name of Charles Maverick Parker; Joseph Bunnell Coy may take the name of Joseph Coy Chickering; George W. March may take the name of George W. Wilson; Peter Shumway, Jr., may take the name of Franklin P. Shumway; Nathan Heard, Jr., may take the name of Nathan Ferdinand Heard; James Ryan may take the name of James Walker Ryan; George W. Porter may take the name of George W. Eustis; Patrick Fitzpatrick may take the name of William Fitz; D. Warren Malony may take the name of Dexter Warren; Nathan Kimball may take the name of Nathan Ralph Kimball; Samuel Stratton may take the name of Joy Hamlet Stratton; James Johnson, Jr., may

take the name of James Chauncey Johnson; severally of the city of Boston, all of the county of Suffolk.

Lydia S. Cook, of Salem, may take the name of Anna Essex.
Emerson; Ann Augusta Sumner Lewis, minor, of Lynn, may take the name of Ann Augusta Sumner Marsh; Mary P. Gould, of Danvers, may take the name of Mary P. Cheever; Julia Valentine Ames, minor, of Salem, may take the name of Julia Barnard; William K. Hobson, of Rowley, may take the name of William Kimball; his wife, Drusilla H. Hobson, may take the name of Drusilla H. Kimball; Morgiana Scott, minor, of Lynn, may take the name of Anna Scott Johnson; Enos True Curtis, of Bradford, may take the name of Edwin Taylor Curtis; Moses B. Somes, of Bradford, may take the name of Charles B. Somes; Thomas Frothingham Hopping, of Salem, may take the name of Thomas Hopping Frothingham; James S. Kimball, Jr., of Salem, may take the name of James Walter Kimball; Martha Henderson, minor, of Danvers, may take the name of Mary R. Henderson; Samuel Franklin Tarbox, of Lynn, may take the name of Samuel Franklin Appleton; Benjamin Washington Tarbox, of Lynn, may take the name of Benjamin Washington Appleton; his wife, Sarah Adeline, together with their two minor children, Ellen Augusta, and Frances Washington, may severally take the names of Sarah Adeline Appleton, Ellen Augusta Appleton, and Frances Washington Appleton; Henry O. Neill, of Lynn, may take the name of Henry Neill; his wife, Priscilla Cloutman, together with their three minor children, Helen Amanda, William Henry, and Charles Frederick, may severally take the names of Priscilla Cloutman Neill, Helen Amanda Neill, William Henry Neill, and Charles Frederick Neill; Niles Richardson Hardy, minor, of Bradford, may take the name of Niles Gardner Parker; Darius Johnson, of Haverhill, may take the name of Darius W. Johnson; Mehitable Stickney Peabody, a minor, of Boxford, may take the name of Mary Stickney Peabody; Samuel Tucker, of Salem, may take the name of Samuel Dudley Tucker; Eliza Foster Haskell, of Beverly, a minor, may take the name of Eliza Foster Lefavour; Joseph Swasey, of Salem, may take the name of Charles Warren Swasey; Deborah Elizabeth Wiggin Killam, wife of William E. Killam, of Boxford, may take the name of Elizabeth Wiggin Killam,—all of the county of Essex.

Martha Ann Page, of Lunenburg, may take the name of Worcester.
Martha Ann Robinson; her minor son, Henry Morton Page, may take the name of Henry Morton Robinson; Austin Hoar, of West Boylston, may take the name of Austin Wilbur Sidney; his wife, Esther Whitaker Hoar, may take the name of Esther Whitaker Sidney; Emma E. Gould, a minor, of Lancaster, may take the name of Emily E. Pratt; John

Young, of Shrewsbury, may take the name of John Williams Young; Edwin Bigelow, of Lancaster, may take the name of Edwin Samuel Bigelow; Marcellus Emerson, minor, adopted by Warren Fay, of Southborough, may take the name of Marcellus Emerson Fay; Harriot D. Pidge, minor, adopted by Samuel and Nancy F. Rich, of West Sutton, may take the name of Harriot P. Rich; Albert Henry Richardson, minor, of Brookfield, may take the name of Albert Henry Bartlett; Pliny Litchfield, minor, may take the name of Pliny Thurston Litchfield, of Southbridge; Isaac Cuttar Snow, of Leicester, may take the name of William Cuttar Snow; Leonard Mowry, of Douglas, may take the name of Daniel Mowry; Esther Ann Bancroft, minor, of Auburn, may take the name of Anna Eudora Esther Bancroft; Charles Dwight Eager, of Northborough, may take the name of Charles Henry Eager; Mary Ellen Sawyer, minor, of Fitchburg, may take the name of Mary Ellen Peirce; Jacob Addison Bemis, of Southborough, may take the name of Addison Jacob Bemis; Morris Taft Judd, of Upton, minor, may take the name of Lysander Morris Perham; Samuel Preston, of Worcester, may take the name of Samuel Hildreth Preston; Charles Walker, of Westborough, may take the name of Charles Wellington Walker; Ezra Staples, of Uxbridge, may take the name of Ezra Freeman Staples; Anne Devillers Lincoln, minor daughter of Nancy H. Lincoln, of Worcester, may take the name of Georgiana Devillers Lincoln; Mary Sigourney Towne Miller, of Worcester, may take the name of Mary Sigourney Towne; all of the county of Worcester.

Hampshire.

John Smith, of Hadley, minor, may take the name of John Porter Smith; Carlo Howe, of Granby, may take the name of Carlos Howe; Sarah Cleaveland, minor, of Williamsburg, may take the name of Sarah Luann Cleaveland; Charles Ferry, of Granby, may take the name of Charles Sherman Ferry; Melancton Hamilton Hyde, of Ware, may take the name of Hamilton Hyde; Alvan A. Garside, of South Hadley, may take the name of Alvan White Alvord; Laura Bacon, a minor, of Ware, may take the name of Amelia Salome Eddy; Diantha C. Lee, a minor, of Northampton, may take the name of Cornelia Frances Lee; all of the county of Hampshire.

Hampden.

Reuben Amasa Doolittle Palmer, of West Springfield, may take the name of Amasa Reuben Palmer; Joseph Brown, of Springfield, may take the name of Joseph Charles Brown; Matthew Willard, of Wilbraham, may take the name of Charles M. Willard; Dolly Miller, of Springfield, may take the name of Eliza May Miller; Levi Tower, of Springfield, may take the name of Levi Howard Tower; all of the county of Hampden.

Franklin.

Rachel Jane Wheelock, of Shutesbury, may take the

name of Rachel Jane Spear; Lucinda Hodgkins, of Montague, may take the name of Lucinda Pike; David Boynton Gage, of Wendell, may take the name of David Boynton Harris; Albert Shaw, of New Salem, may take the name of Albert Edward Shaw; Martha M. Buel, minor, of Leverett, may take the name of Martha M. Woodward; all of the county of Franklin.

James Wheeler Hayden, of Boxborough, may take the name of James Rule Hayden; Joseph Pulsifer, of Charlestown, may take the name of Edgar Pulsifer; Sarah Bruce, of Marlborough, may take the name of Sarah Elizabeth Bruce; Jonathan Brooks Nichols, of South Reading, may take the name of John Brooks Nichols; Johnson Green, of South Reading, may take the name of Robert Green; William Penn 'Thompson, of Woburn, may take the name of George Thompson; Obadiah Richardson Varnum, of Lowell, may take the name of George Noel Varnum; John Doyle, of Billerica, may take the name of John George Oliver; Mary Annette Huntoon, minor, of Lowell, may take the name of Mary Annette Johnson; William Underwood, of Billerica, may take the name of William Henry Crosby; Phebe Atkinson, minor, of Lowell, may take the name of Henrietta Phebe Atkinson; Mary Grace Hunkins, of Lowell, minor, may take the name of Sarah Jane Farmer; Ithamar Winship, of Lowell, may take the name of Charles Henry Winship; Abraham S. McLaughlin, of Framingham, may take the name of Abram S. Mack; his wife, Dilly Ann, together with their two children, James C., and Hester Ann J., may severally take the names of Dilly Ann Mack, James C. Mack, and Hester Ann J. Mack; Henry Davis, of Charlestown, may take the name of Henry Turner Davis; Howard Whitney, of Waltham, may take the name of Warren Howard; Horace Bacon, of West Cambridge, may take the name of Horace Clinton Bacon; William Henry Smith, of Lowell, may take the name of William Henry Leland Smith; Sarah Margaret Newhall, minor, of Reading, may take the name of Sarah Margaret Weston; Osiander Carter, of Wilmington, may take the name of Osgood Allen Carter; Philo Fisher Sanford, a minor, of Lowell, may take the name of Lewis Philo Sanford; Cyrus Houghton Heywood, of Lowell, may take the name of Charles Houghton Heywood; all of the county of Middlesex.

Joseph Crosier Gallup, of Adams, may take the name of Joseph Crosier Marsdale; his wife, Laura Jane, and their four minor children, Edwin Ruthven, Althine Idalia, Francelia Blandina, and Gerald Embert, may severally take the names of Laura Jane Marsdale, Edwin Ruthven Marsdale, Althine Idalia Marsdale, Francelia Blandina Marsdale, and Gerald Embert Marsdale; Henry Bliss, of Adams, may take the name of Henry Clay Bliss; James Willow Cotton, a

minor, of Hancock, may take the name of James Porter White; all of the county of Berkshire.

Norfolk. Harlows Whiting, Jr., of Wrentham, may take the name of Gustavus H. Whiting; Susan Maria Carney, of Quincy, minor, may take the name of Susan Maria Richardson; Peter Cushing, of Weymouth, may take the name of William Pomroy Cushing; Elizabeth Baxter, minor, of Quincy, may take the name of Elizabeth Lydia Baxter; Roby Lydston of Roxbury, may take the name of Alfred Henry Lydston; all of the county of Norfolk.

Bristol. John Palmer Perry, 2d, of Dighton, may take the name of George Byron Perry; Hamblin Tillson, Jr., of New Bedford, may take the name of Henry Hamblin Tillson; Frederick Briggs, Jr., of Dighton, may take the name of Frederic Caro Briggs; Joseph A. Allen, a minor, of Attleborough, may take the name of Eugene Hervey Richards; all of the county of Bristol.

Plymouth. Francis Berthier, minor, of Rochester, may take the name of Francis Berthier Pitcher; of the county of Plymouth.

Barnstable. Ebenezer Davis, Jr., of Truro, minor, may take the name of Ebenezer Lester Davis; Caroline Howes, of Dennis, a minor, may take the name of Eunice Bartlett Howes; Thankful Winslow Nealus, minor, of Dennis, may take the name of Mary Ellen Nealus; Mary Ellen Bassett, minor, of Yarmouth, may take the name of Mary Marie Bassett; William Managan, minor, of Truro, may take the name of William Henry Harrison; William James Donahoe, a minor, of Truro, may take the name of William James Davis; all of the county of Barnstable.

Nantucket. John Minot West, a minor, of Nantucket, may take the name of Paul West; of the county of Nantucket.

And the several persons before named, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume, as aforesaid, and the same shall hereafter be considered as their only proper and legal names. [*Approved by the Governor, April 26, 1847.*]

Chap 276.

An Act to incorporate the Barre and Worcester Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SECTION 1. Seth Caldwell, John Brooks, John W. Lincoln, their associates and successors, are hereby made a corporation, by the name of the Barre and Worcester Rail-road Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to rail-road corporations, and in all other general laws which

have been, or shall be hereafter, passed relative to rail-road corporations.

SECTION 2. Said company are empowered to locate, construct, and maintain a rail-road, with one or more tracks, from some convenient point on the Nashua and Worcester Rail-road, in the town of Worcester, through the towns of Holden, Rutland, Princeton, Hubbardston, and Oakham, to some convenient point near the centre of Barre; and also from some convenient point on said route, in the town of Princeton, through the town of Hubbardston, to some convenient point on the Vermont and Massachusetts Rail-road, in the town of Gardner.

Location of road.

SECTION 3. The capital stock of said company shall not exceed ten thousand shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and the said company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Capital stock not to exceed \$1,000,000 in shares of \$100.

SECTION 4. If the location of said road be not filed within one year, and said rail-road constructed within three years, from the passage of this act, then the same shall be void.

Time for location and completion of road.

SECTION 5. Said company may enter, with their rail-road, upon the Nashua and Worcester Rail-road, in the town of Worcester, aforesaid, and also upon the Vermont and Massachusetts Rail-road, in the town of Gardner, aforesaid, and may use the same, or any part thereof, according to the provisions of law.

May enter upon and use the Nashua and Worcester, and Vermont and Massachusetts Rail-roads.

SECTION 6. The Legislature may authorize any company to enter, with their rail-road, upon the road authorized by this act, or any part thereof, and use the same according to the provisions of law.

The Legislature may authorize its use by any other company.

SECTION 7. The Legislature may, from time to time, reduce the rate of toll, or other receipts, on said rail-road, whenever the net income thereof shall exceed ten per cent. per annum; but the tolls or other receipts shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on the investment in said company.

The Legislature may reduce tolls and profits from time to time.

Provided, &c.

SECTION 8. This act shall take effect from and after its passage. [Approved by the Governor, April 26, 1847.]

When to take effect.

Chap 277. An Act to repeal part of an Act entitled "An Act to incorporate the North Precinct, in Eastham, into a District, by the name of Wellfleet."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Estate formerly
of Sylvanus
Snow set off to
Wellfleet.

SECTION 1. So much of the act passed on the seventeenth day of June, in the year one thousand seven hundred and sixty-three, entitled "An Act to incorporate the north precinct, in Eastham, into a district, by the name of Wellfleet," as is comprised in the words following, to wit, "excepting the estate of Sylvanus Snow, and the inhabitants dwelling, or who shall dwell thereon, which are to remain to the town of Eastham, and to the south precinct in said town, said Snow paying his part or proportion of all past taxes, in the said north precinct, that remain unpaid," is hereby repealed.

Wellfleet to be
liable for pau-
pers having a
settlement on
said estate.

SECTION 2. The said town of Wellfleet shall be liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence, prior to the passage of this act, within the territory aforesaid, called and known as the estate of Sylvanus Snow. [Approved by the Governor, April 26, 1847.]

Chap 278.

An Act concerning Lines in Boston Harbor.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lines of the
channel of Bos-
ton harbor.

SECTION 1. The lines hereinafter described are hereby established as lines of the channel of the harbor of Boston, beyond which no wharf or pier shall ever hereafter be extended into and over the tide-water of the Commonwealth.

First,

SECTION 2. The first line is drawn from the southerly end of the island built by the Boston and Maine Rail-road Company, between the channels of Charles River and Miller's River, to the southerly corner of the northwesterly abutment of Canal (or Craigie's) Bridge. The second line is drawn straight from the face of the said abutment of Canal Bridge, through a point on the northerly side of West Boston Bridge, two thousand feet from the easterly side of the draw in said bridge, to a point two thousand feet northerly from the harbor line heretofore established on the northerly side of the Boston and Roxbury Mill Dam. The next line is drawn from this last point westerly, parallel to said Mill Dam, and two thousand feet from said harbor line to the northern shore of Charles River, near its mouth.

second,

and third.

Fourth,

SECTION 3. The fourth line is in Miller's River, and is drawn from the south corner of the aforesaid Boston and Maine Rail-road Company's island northerly, along the westerly side of the same, and thence in the same straight

line to the northerly side of the old channel. The fifth ^{fifth,} line is drawn from the point where the fourth line meets the northerly side of the said channel, northwesterly, northerly, and northeasterly, along the sea-wall recently built by the Charlestown Branch Rail-road Company, to the westerly projection of the State Prison yard. The sixth line is ^{sixth,} parallel to the fourth line, and two hundred feet westerly: it extends from the channel of Charles River to the south side of the channel of Miller's River. The seventh line is ^{seventh,} drawn from the north end of the sixth, as just described, to a point on the north side of Prison Point Bridge, five hundred feet westerly of the centre line of the Boston and Maine Rail-road. The eighth line is drawn from the north- ^{eighth,} ern extremity of the seventh to a point opposite the west end of the Fitchburg Rail-road Bridge, and distant from the same three hundred feet. The ninth line is drawn from ^{and ninth.} the last-mentioned point to the northerly corner of the southeasterly abutment of the Boston and Lowell Rail-road Bridge over Miller's River.

SECTION 4. The tenth line is in South Bay, and is drawn ^{Tenth,} from a point on the south side of the South Free Bridge, (one hundred and fifty feet southeasterly of the southeasterly side of the draw,) in a southerly direction, parallel to the Dorchester turnpike, three thousand feet. The eleventh ^{eleventh,} line is on the westerly side of the channel, and is drawn from the southerly corner of Miller and Nason's Wharf, southerly in a direction at right angles with the South Bridge, across the same, to a point twelve hundred and fifty feet distant therefrom. The twelfth line is drawn from the ^{and twelfth.} last-mentioned point to the westerly side of the artificial channel of Roxbury Creek, one thousand feet southeasterly from Harrison avenue, opposite the South Burying-ground.

The said lines, thus described, are the lines reported by ^{Being the lines reported and drawn by commissioners, &c.} commissioners under the Resolve passed the twenty-second day of March, in the year one thousand eight hundred and forty-five, "authorizing the survey of South Bay, Charles and Mystic Rivers," and by said commissioners drawn and defined on plans by them taken and deposited in the library of the Commonwealth.

SECTION 5. No wharf, pier, building, or incumbrance of ^{No wharf, &c. to be extended, &c.} any kind, shall hereafter be extended beyond the said lines, or either of them, into or over the tide-water in said harbor; nor shall any wharf or pier, which is now erected on the inner side of either of said lines, be extended further towards the said line than such wharf or pier now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave being first obtained from the Legislature.

Penalties.

SECTION 6. Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor, by indictment or information, in any court of competent jurisdiction; and, on conviction, shall be punished by a fine not less than one thousand dollars, nor more than five thousand dollars, for every offence; and any erection or obstruction, which shall be made contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner heretofore provided for the removal and abatement of nuisances on the public highway.

When to take effect.

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, April 26, 1847.]

Chap 279.

An Act in addition to "An Act to regulate Pilotage."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Masters, &c. may pilot vessels into or out of other ports than that of their destination, on and after May 1st, 1847, &c.

But must pay pilots employed, &c.

SECTION 1. On and after the first day of May next, the master or commander of any ship or vessel may pilot his own vessel into, or out of, any port in this Commonwealth, other than the port of her destination; and no ship or vessel so piloted shall be subjected to pay pilotage on entering or leaving any port as aforesaid: *provided*, that, if the master or commander of any such ship or vessel shall require and receive the aid of a pilot to conduct his vessel as aforesaid, then such pilot shall render his services, and be entitled to receive the rates of pilotage established for said port.

Rates of pilotage proportioned to draught of water.

SECTION 2. The rates of pilotage, established in the several ports of this Commonwealth, shall be paid in proportion for the depth of water any vessel may draw.

Pilots, &c. must demand certificate, &c. to be evidence of draught of water.

SECTION 3. It shall be the duty of every pilot who shall have conducted any ship or vessel into, or out of, any port in this Commonwealth, to demand, from the captain or commander of such ship or vessel, a certificate, containing the name of the ship or vessel, the pilot's name, and the draught of water in feet and inches; and such certificate shall be conclusive evidence, against the owner, of the draught of water of such ship or vessel.

Vessels requiring pilotage must receive the first pilot offering, holding a branch for the port of destination,

and said pilot shall be entitled to full pilotage, if another be received.

SECTION 4. Any ship or vessel, requiring the aid of a pilot to enter any port in this Commonwealth, shall receive the first person offering his services, and holding a branch for the port into which the vessel is bound, whether he be within his district or not; and if such pilot, so offering his services, shall not be received, and the master or commander shall afterwards receive another pilot, the first pilot offering shall be entitled to receive full pilotage for the draught of water such vessel may draw. [Approved by the Governor, April 26, 1847.]

An Act concerning the Trustees of Methodist Episcopal Churches.

Chap 280.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The trustees of any Methodist religious society, appointed according to the discipline or usages of the Methodist Episcopal Church, or in such manner as such society may choose, shall be a body corporate, with all the powers and privileges, and subject to all the duties and liabilities, of the forty-fourth chapter of the Revised Statutes, as far as they are applicable: *provided*, that all the powers derived from any such organization may, at any time, be revoked by the Legislature.

Trustees appointed; to be a body corporate.

Provided, &c.

SECTION 2. The said trustees shall have full power to receive, hold, and manage all the property, both real and personal, belonging to such society, and to sell and convey the same, and to hold in trust any gift, grant, bequest, or donation which may be made to such society for the support of public worship, and other religious purposes: *provided*, that the annual income thereof, exclusive of the meeting-house, shall not exceed four thousand dollars.

Powers of trustees.

Annual income not to exceed \$4,000.

SECTION 3. The first meeting of said trustees, appointed as aforesaid, may be called by a justice of the peace, upon application of three or more of said trustees; and the secretary, before entering on the duties of his office, shall first be sworn faithfully to discharge the same, and a record thereof shall be kept in the record of their proceedings.

First meeting.

Secretary to serve under oath, to be recorded.

SECTION 4. The secretary of said trustees, so constituted and organized as aforesaid, shall, within ten days of such organization, leave, with the clerk of the town or city in which such society may be organized, an attested copy of the records of the proceedings had at such organization; and the same shall be recorded in a book kept for that purpose, by such town or city clerk, who shall receive the same fees as the register of deeds for the like services. And in case the said secretary shall omit to leave a copy of said record with the town or city clerk, to be recorded as aforesaid, such organization shall be wholly void and of no effect. [*Approved by the Governor, April 26, 1847.*]

Secretary to leave with town or city clerk, to be recorded, a copy of proceedings at meeting for organization,

or the organization to be void.

An Act to incorporate the Acushnet Iron Foundry.

Chap 281.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John C. Haskell, Charles S. Randall, Edward P. Haskell, their associates and successors, are hereby made a corporation, by the name of the Acushnet Iron Foundry, for the purpose of manufacturing iron, steel, and machinery, in the city of New Bedford, county of Bristol, with all the powers and privileges, and subject to all the

Persons incorporated,

to manufacture iron, steel, and machinery, in New Bedford.

duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate not to
exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 26, 1847.]

Chap 282.

An Act in addition to "an Act requiring Returns from Registers of Deeds."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for
omission or
neglect to make
returns.

Any register of deeds who shall omit or neglect to make the returns required by the act passed on the fifteenth day of April, in the year one thousand eight hundred and thirty-six, chapter two hundred and forty-one, entitled An Act requiring returns from Registers of Deeds, shall be subject to a penalty of fifty dollars, to be recovered in the manner now provided by law for the recovery of penalties, in the fourteenth section of the one hundred and thirty-third chapter of the Revised Statutes. [Approved by the Governor, April 26, 1847.]

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

RESOLVE authorizing the Treasurer to borrow money in anticipation of the Revenue.

Chap. 1.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next General Court; and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not at any time exceed the sum of one hundred and fifty thousand dollars. [*Approved by the Governor, Feb. 5, 1847.*]

Treasurer to borrow and pay money, &c.

The whole sum borrowed not to exceed \$150,000 at any time.

RESOLVE on the Petition of Samuel W. Clifford and others.

Chap. 2.

Resolved, That the Adjutant General be authorized to furnish the military company, known as the Soul of Soldierly, a complete set of equipments for the use of said company, and upon such terms and conditions as he may deem expedient. [*Approved by the Governor, Feb. 5, 1847.*]

Adjutant General to furnish equipments to soul of the soldiery.

RESOLVE on the Petition of Benjamin M. Perry.

Chap. 3.

Resolved, for reasons set forth in said petition, that Benjamin M. Perry, of Stoneham, in the county of Middlesex, executor of the last will and testament of Nathan Perry, late of said Stoneham, deceased, be hereby authorized to make, and file in the probate office for said county, within six months after the passage of this resolve, an affidavit, such as is pre-

Executor of the will of Nathan Perry authorized to file affidavit and copy of notice, &c.

Provided, &c.

scribed in the case of administrators and executors by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situated in said county, belonging to the estate of said deceased; said sale having been made by said executor under a license granted by the court of probate, holden at Cambridge on the ninth day of January, in the year eighteen hundred and forty-five: *provided*, that the said Benjamin M. Perry shall first give such notice, as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice; *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed; and such affidavit and copy of notice, thus filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [*Approved by the Governor, Feb. 16, 1847.*]

Chap. 4.

Administrator of estate of William McNamara authorized to file affidavit and copy of notice, &c.

RESOLVE on the Petition of John S. Ladd.

Resolved, for reasons set forth in said petition, that John S. Ladd, of Cambridge, county of Middlesex, administrator of the estate of William McNamara, late of said Cambridge, deceased, be hereby authorized to make, and file in the probate office for said county, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of administrators and executors by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situated in said Cambridge, belonging to the estate of said deceased; said sale having been made by said administrator under a license granted by the court of probate, holden at Cambridge on the eighteenth day of March, in the year one thousand eight hundred and forty-five: *provided*, that the said John S. Ladd shall first give such notice, as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice; *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed; and such affidavit and copy of notice, thus filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [*Approved by the Governor, Feb. 16, 1847.*]

Provided, &c.

Chap. 5.

Report of commissioners to be made on or before January 1, 1848.

RESOLVE in addition to a Resolve concerning the Survey of the Harbor of New Bedford.

Resolved, That the further time of one year be allowed to the commissioners who were appointed by his excellency the governor, by virtue of the Resolve passed April the eighth, eighteen hundred and forty-six, entitled "A Resolve relating to the survey of the Harbor of New Bedford," and

that their report be made on or before the first day of January, eighteen hundred and forty-eight, to the governor and council. [*Approved by the Governor, Feb. 16, 1847.*]

RESOLVE on the Petition of Rowland Ellis, Trustee of Emeline Josselyn, Wife of Lewis Josselyn.

Chap. 6.

Resolved, for reasons set forth in said petition, that said Rowland Ellis be, and he is hereby, authorized and empowered to raise, by mortgage of the real estate of said Emeline, held by him, or which he was entitled to hold, as her trustee, on the sixth day of February, eighteen hundred and forty-six, a sum of money not exceeding ten thousand dollars; and the deed or deeds of mortgage of said estate, duly executed by said Rowland, shall be valid and effectual to secure the payment of the promissory note or notes of said Rowland, for amounts not exceeding ten thousand dollars in the whole, with lawful interest thereon: *provided*, that no such mortgage or mortgages shall be made without the written consent of said Lewis and Emeline, nor until said Lewis shall have executed, and caused to be executed, and delivered to said Rowland, a release of said Lewis' right and title to said estate, and also of a mortgage thereof, made by said Lewis to Benjamin Rogers, on the fifth day of June, in the year one thousand eight hundred and forty-six: *provided further*, that no conveyance, made by said Rowland, shall affect or impair any right, title, or claim to said estate acquired under the said Josselyn: *provided also*, that all moneys, raised by said Rowland under the authority of this resolve, shall be applied to the payment of the buildings and improvements made upon said estate; and if more money is raised than is necessary for this purpose, the surplus shall be invested by said Rowland on the trusts declared in said indenture; but this proviso is not to affect the validity of any conveyance or mortgage made by said Rowland. [*Approved by the Governor, Feb. 18, 1847.*]

Trustee authorized to mortgage real estate.

Provided, &c.

RESOLVE on the Petition of the President and Directors of the Lee Bank.

Chap. 7.

Resolved, for reasons set forth in said petition, that there be allowed, and paid, out of the treasury of the Commonwealth, to the cashier of said Lee Bank, the sum of one hundred dollars, being the amount of a fine paid by said bank into the treasury of the Commonwealth, as a penalty for a delay of one day in making their returns according to law; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, Feb. 18, 1847.*]

\$100 fine to be repaid.

RESOLVE on the Petition of Benjamin Stevens, Sergeant-at-Arms.

Chap. 8.

Resolved, That there be allowed and paid, out of the public treasury, the sum of three hundred and sixty-seven dollars and twenty-nine cents, the same being in addition to

\$2138 24 to be paid for repairs, &c. in

the State
House.

the sum of six hundred dollars appropriated by a "Resolve for sundry Repairs upon the State House," passed April seventh, eighteen hundred and forty-six. Also the sum of forty-four dollars and fifty-five cents, the same being in addition to the sum of six hundred dollars appropriated by "Resolves relating to Repairs around the State House," passed April seventh, eighteen hundred and forty-six. Also the sum of thirteen hundred and fifty-five dollars, and fifteen cents, the same being in addition to the sum of twelve hundred dollars, appropriated by "Resolves for the more ample and suitable accommodation of the Library," passed March twenty-seventh, eighteen hundred and forty-six. Also the sum of three hundred and seventy-one dollars, and twenty-five cents, to be appropriated to the payment of expense incurred by placing the "Massachusetts Coat of Arms" over the speaker's chair in the House of Representatives, agreeably to an order of the House of Representatives, passed March twenty-seventh, eighteen hundred and forty-six. In all, the sum of twenty-one hundred and thirty-eight dollars and twenty-four cents; and that the governor be requested to draw his warrant accordingly. [*Approved by the Governor, Feb. 24, 1847.*]

Chap. 9.

RESOLVE for the Recovery of a Volume of the Journals of the House of Representatives.

Reward of
\$100 to be offered for the recovery of the 27th volume of the journal of the House.

Resolved, That the clerk of the house of representatives is empowered and directed to offer a reward of one hundred dollars for the recovery of the twenty-seventh volume of the journal of that House, which volume has been taken from the clerk's lobby: and that the governor is authorized to draw his warrant on the treasurer of the Commonwealth therefor, if the volume shall be recovered. [*Approved by the Governor, Feb. 24, 1847.*]

Chap. 10.

RESOLVES concerning the Existence and Extension of Slavery within the Jurisdiction of the United States.

Slavery in the United States a moral and political evil, which ought to be speedily abolished by constitutional means, and not to be further extended.

Resolved, unanimously, That the Legislature of Massachusetts views the existence of human slavery within the limits of the United States as a great calamity, an immense moral and political evil, which ought to be abolished, as soon as that end can be properly and constitutionally attained, and that its extension should be uniformly and earnestly opposed by all good and patriotic men throughout the Union.

Massachusetts will resist the annexation of more slave territory; and the Legislature, &c. protests against

Resolved, unanimously, That the people of Massachusetts will strenuously resist the annexation of any new territory to this Union, in which the institution of slavery is to be tolerated or established; and the Legislature, in behalf of the people of this Commonwealth, do hereby solemnly protest against the acquisition of any additional territory, without an express provision by Congress that there shall

be neither slavery nor involuntary servitude in such territory, otherwise than for the punishment of crime.

Resolved, unanimously, That his excellency the governor be requested to transmit a copy of the foregoing resolves to each of the senators, and members of the house of representatives, of this Commonwealth, in the Congress of the United States. [*Approved by the Governor, Feb. 27, 1847.*]

such annexation.

Resolves to be transmitted, &c.

RESOLVE on the Petition of David A. Dunbar and Others.

Chap. 11.

Resolved, for the reasons set forth in said petition, that Laura Ann Dunbar, wife of David A. Dunbar, and Elmira L. Burnside, wife of said Clem A. Burnside, minors, under the age of twenty-one years, are hereby respectively empowered to join with their said respective husbands in executing any deed or deeds of their respective undivided interests and shares in certain real estate in Boston, which descended to said Laura and Elmira, respectively, from their father, Leonard Spaulding, late of said Boston, deceased intestate, or in any parts or parcels thereof, to wit: a parcel of land, with a dwelling-house thereon, at the corner of Leverett and Spring streets, measuring about forty-six feet on Leverett, and about sixty feet on Spring street, and a parcel of land, wharf and flats at the foot of Poplar street, bounding easterly on land now or late of Whitney in part, and in part on land now or late of Ramsdell, about one hundred and nineteen feet, and extending westerly out to the channel, or low-water mark, of the same, or about the same, breadth. And any deed or deeds duly executed by said Laura Ann, jointly with her said husband, shall be good and sufficient in law, and as effectual to convey her interest and estate, in the premises therein described, as if she were of full age. And any deed or deeds duly executed by said Elmira L., jointly with her said husband, shall be good and sufficient in law, and as effectual to convey her interest and estate, in the premises therein described, as if she were of full age. [*Approved by the Governor, March 3, 1847.*]

Minors to join with their husbands in executing deeds of real estate, in Boston.

RESOLVE on the Petition of the School Committee of the Town of Oakham.

Chap. 12.

Resolved, for reasons set forth in the said petition, that there be reserved, out of the income of the school fund of the present year, for the benefit of the town of Oakham, a sum equal to what that town would have received from the income of the same, for the last year, if the said town had been returned to the treasurer as entitled to a share in the income of said fund; and that the sum so reserved be added to the share, if any, to which said town may be entitled from the income of the said fund, for the present year. [*Approved by the Governor, March 3, 1847.*]

A sum, &c. to be reserved from this year's income of the school fund, and paid to Oakham.

Chap. 13.

RESOLVE to pay for copying certain Documents.

Warrant to be drawn to pay for copies of documents sent to Washington.

Resolved, That the governor be authorized to draw his warrants upon the treasury for such sums as may be necessary to pay for copies of any documents, heretofore sent to Washington from the archives of the Commonwealth, relating to claims for military services, and to the boundary line between Massachusetts and Rhode Island, which copies may be required to be left with the clerk of the supreme court, or elsewhere, in Washington. [*Approved by the Governor, March 3, 1847.*]

Chap. 14.

RESOLVE upon the Petition of Isaac Livermore.

Conveyance of real estate made by executor of will of Benj. P. Homer, made valid.

Resolved, That, for reasons set forth in said petition, the conveyance of certain real estate in the city of Boston, made by Philo S. Shelton, as executor of the last will and testament of Benjamin P. Homer, deceased, to John Welch, recorded with Suffolk deeds, book 439, page 281, be, and the same is hereby, declared to be valid and effectual in law, to all intents and purposes, to vest in said Welch, his heirs and assigns, all the right, title, interest and estate in and to said real estate, which said Homer could then have conveyed if living; and that said Shelton, executor as aforesaid, be and hereby is authorized, in consideration of the sum of money by him heretofore received from said Welch, to make, execute, and deliver to said Welch, and those claiming under him, and their respective heirs and assigns, a confirmatory conveyance of said real estate, to the end that the title of said Welch, and of those claiming under him, in and to said real estate, shall be forever valid and effectual, as if derived from said Homer, by deed, in his life-time. [*Approved by the Governor, March 3, 1847.*]

Chap. 15.

RESOLVE providing for the further distribution of the Report on the Trees and Shrubs growing in the Forests of Massachusetts.

Copies to be distributed.

Resolved, That, in addition to the distribution of the Report on the Trees and Shrubs growing in the Forests of Massachusetts, now authorized by law, a further distribution be made as follows, viz: one copy to each justice of the supreme court and court of common pleas, and to each judge of probate; one copy each to the adjutant general, sergeant-at-arms, and warden of the state prison; five copies to each agricultural and horticultural society now incorporated within this Commonwealth; one copy to each member of the present Legislature; one copy each to the senators and representatives of Massachusetts in Congress; and one hundred copies to the commissioner on the botanical survey of this Commonwealth, and the residue to his excellency the governor, to be disposed of, at their discretion, in such manner as may best subserve the cause of science and education. [*Approved by the Governor, March 3, 1847.*]

RESOLVE relating to the Library of the State Prison.

Resolved, That, from and after the first day of April, one thousand eight hundred and forty-seven, the sum of one hundred dollars, annually, shall be appropriated from the funds of the state prison, to be expended by the warden, under the direction of the inspectors of said prison, for the increase, preservation, and care of the library of said prison: [Approved by the Governor, March 4, 1847.]

Chap. 16.

Annual appropriation of \$100 after April 1, 1847, to be expended by the warden, &c.

RESOLVE for furnishing certain Books to the County of Nantucket.

Resolved, That the Secretary of the Commonwealth be, and he is hereby, directed to furnish the county of Nantucket with complete sets of the Massachusetts Reports, Pickering's Reports, and Metcalf's Reports; also, with a copy of the Revised Statutes, and copies of such of the general and special laws of the Commonwealth as he may have in his office, to supply the place of those destroyed by fire at Nantucket in July last. And the Secretary is hereby authorized to purchase such copies of the reports aforesaid as may be necessary to carry into effect this resolve. And his excellency the governor is hereby authorized to draw his warrant for the expense of the same accordingly. [Approved by the Governor, March 6, 1847.]

Chap. 17.

Secretary to furnish reports, &c. in place of books destroyed by fire.

RESOLVE for furnishing the Town of Fall River with a set of the Reports of the Decisions of the Supreme Judicial Court.

Resolved, That the Secretary of the Commonwealth be, and he is hereby, directed to furnish the town of Fall River, in the county of Bristol, with complete sets of the Massachusetts Reports and Pickering's Reports, of the Decisions of the Supreme Judicial Court, to supply the place of those destroyed by fire, in said town, on the second day of July, in the year eighteen hundred and forty-three. And he is hereby authorized to purchase such copies as may be necessary to carry into effect this resolve. And his excellency the governor is hereby authorized to draw his warrant for the expense of the same, accordingly. [Approved by the Governor, March 6, 1847.]

Chap. 18.

Secretary to furnish reports, &c. in place of books destroyed by fire.

RESOLVES upon the Petition of John M. Forbes and Samuel Henshaw, Trustees.

Resolved, for the reasons in said petition set forth, that John M. Forbes and Samuel Henshaw, as they are trustees under the indenture recorded with Suffolk Deeds, in lib. 467, fol. 162, and their lawful successors in said trust be, and they hereby are, authorized to borrow of any person or persons, any sum or sums of money, not exceeding in all, the sum of twenty-five thousand dollars, upon such terms, as to time of payment and rate of interest, not exceeding six per cent., as they may think advisable; and, as security therefor, to convey, in fee and in mortgage, to the person or

Chap. 19.

Trustees authorized to borrow money and mortgage real estate in Boston.

persons loaning said money, and his or their heirs and assigns, all that parcel of land situate at the corner of Washington street and State street, in said Boston, (now vested in said trustees, by said indenture, and by the partition of the real estate late of Joseph Coolidge, deceased, recorded with Suffolk Deeds, lib. 472, fol. 115,) with the privileges and appurtenances thereof; the said mortgagees, their heirs and assigns, to be in no wise responsible for the appropriation or application of the sum or sums of money so loaned, and the said deed or deeds of mortgage, when executed and delivered by said trustees, as aforesaid, or their successors in the trusts, to be valid and effectual to pass said real estate free and discharged of and from all and singular the trusts in said indenture set forth, fully and absolutely, to all intents and purposes: *provided, however*, that, before executing such deed or deeds of mortgage, said trustees, or their successors in said trusts, shall give bond to the judge of probate, for the time being, of the county of Suffolk, in such penalty, and with such surety or sureties, as shall be approved by said judge of probate, conditioned faithfully to expend the sum or sums of money so borrowed, in improvements upon the parcel of real estate, being the land, wharf, and flats, situate on the westerly side of Charles street, in said Boston, now vested in said trustees by force of said indenture and partition, according to their best judgment, for increasing the annual rents and the permanent value of said last-mentioned real estate.

Provided, &c.

Proceeds of
sales of trust es-
tate, &c. to be
invested, &c.

Resolved, That, upon the sale of said trust estate, held by the said trustees, by and under said indenture above mentioned, or upon the sale of any part thereof, as they may be authorized by said indenture to sell and convey, or upon any change of investment of said trust estate, or any part thereof, as they may be by and under said indenture authorized to make, or upon the receipt, by them, of any moneys or estate, to be held by them by and under the said indenture, they, the said trustees, and their lawful successors in said trusts, may have the power and authority, in addition to the powers of investment in said indenture granted, to invest the proceeds of such sales, changes of investment and receipts, in such shares of the capital stock of banks, or in such shares or bonds of such rail-roads, as they may deem to afford safe and secure investments, and to be for the best benefit, and interest, and security of all parties in interest under said indenture; and the said investments, by this resolve authorized to be made, may and shall be made, by the said trustees, upon and under the same responsibility and liability as is, by said indenture, provided for all the acts and doings of the said trustees. [*Approved by the Governor, March 10, 1847.*]

RESOLVES providing for further accommodations in the Secretary's Office.

Chap. 20.

Resolved, That the sergeant-at-arms, under the directions of a committee, to consist of the Secretary of the Commonwealth and two members of the present Legislature, cause a room to be prepared in the basement story, directly under the Secretary's office, for the better accommodation of the business of that office, and, for that purpose, to cause the water-closets now occupying that part of the building to be removed to the outside of the state-house.

Sergeant-at-arms to prepare a room under the Secretary's office, under the direction of a committee, &c.

Resolved, That the sum of three thousand dollars be, and the same is, hereby appropriated for the purpose of carrying into effect the foregoing resolve; which sum, or such parts thereof as may be necessary, shall be expended in accordance with the provisions of an act, entitled "An Act relating to the State-house," passed the eighteenth day of March, one thousand eight hundred and forty-one. [*Approved by the Governor, March 10, 1847.*]

Appropriation of \$3000, &c.

RESOLVE on the Petition of the Town of Ludlow.

Chap. 21.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Ludlow, sixty-five dollars and one cent, being a balance due said town for the support of Timothy Haskel and Harvey Olds, State lunatic paupers, from the first day of November, in the year one thousand eight hundred and forty-five, to the twenty-ninth day of September, in the year one thousand eight hundred and forty-six,—the said town of Ludlow having received of the Commonwealth forty-six dollars and forty-two cents for the support of the same persons as ordinary State paupers; and that the governor draw his warrant accordingly. [*Approved by the Governor, March 15, 1847.*]

Allowance of \$65 01, for support of lunatic State paupers.

RESOLVE granting Taxes for the several Counties.

Chap. 22.

Resolved, That the sums placed against the names of the several counties in the following schedule are hereby granted, as a tax for each county respectively, to be assessed, paid, collected, and applied, according to law, viz: county of Essex, thirty-two thousand six hundred dollars; county of Middlesex, forty-four thousand two hundred and seventy-five dollars; county of Worcester, thirty thousand dollars; county of Hampshire, nine thousand dollars; county of Hampden, fourteen thousand dollars; county of Franklin, seven thousand dollars; county of Berkshire, fifteen thousand dollars; county of Norfolk, fourteen thousand five hundred dollars; county of Plymouth, twelve thousand dollars; county of Bristol, twenty-two thousand dollars; county of Barnstable, six thousand three hundred dollars; county of Dukes, one thousand five hundred dollars. [*Approved by the Governor, March 17, 1847.*]

County taxes amounting to \$208,175.

Chap. 23. RESOLVE on the Petitions of the Commissioner and Treasurer of the Marshpee District and of Herring Pond Plantation.

Allowance of
\$203 48, for
support of
State paupers.

Resolved, for reasons set forth in said petitions, that there be paid out of the treasury of the Commonwealth, to the treasurer of the District of Marshpee, the sum of two hundred three dollars and forty-eight cents; to wit: one hundred and thirty-eight dollars and forty-eight cents, in full for the support of six State paupers, and sixty-five dollars, in full for the support of Polly Cetum, a lunatic State pauper, from the first day of November, in the year one thousand eight hundred and forty-five, to the first day of November, in the year one thousand eight hundred and forty-six, all in the District of Marshpee. And also, to the treasurer of Herring Pond Plantation, the sum of fifteen dollars, in aid of the support of William Carter, a State pauper in Herring Pond Plantation; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 20, 1847.*]

Chap. 24. RESOLVE on the Petition of Leavitt Thaxter, Guardian of the Christiantown Indians.

Allowance of
\$44 85, for
support of a
Christiantown
Indian.

Resolved, for reasons set forth in his petition, that there be paid out of the treasury of the Commonwealth to Leavitt Thaxter, guardian of the Christiantown Indians, the sum of forty-four dollars and eighty-five cents, as a compensation to him for money expended by him in the support of Charles W. James, one of said Christiantown Indians; and that the governor be requested to draw his warrant on the treasury accordingly. [*Approved by the Governor, March 20, 1847.*]

Chap. 25. RESOLVES on the Petition of William Roach and Hannah Roach.

Authorized to
inherit estate of
Henry P.
Jones, de-
ceased.

Resolved, for reasons set forth in said petition, that William Roach and Hannah Roach be enabled and allowed to inherit, take, and hold all the estate, both real and personal, of which Henry P. Jones, late of Medfield, in the county of Norfolk, yeoman, deceased intestate, died seized or possessed, in the same manner and to the same extent, in every respect, as the said William Roach and Hannah Roach might or could have inherited, taken, and held the same, by the statutes of descent and distribution of this Commonwealth, had they been own brother and sister of said intestate.

Court of Pro-
bate of Norfolk
county to have
jurisdiction.

Resolved, That the court of probate, in and for the said county of Norfolk, have and take jurisdiction in this case, in as full and ample manner, as by law it has and exercises in the administration, distribution, and final settlement of other intestate estates. [*Approved by the Governor, March 23, 1847.*]

Chap. 26. RESOLVE on the Petition of William D. Winter, Guardian.

Guardian au-
thorized to sell

Resolved, for the reasons set forth in said petition, that William D. Winter, of Clinton, in the State of Louisiana,

counsellor at law, guardian of his minor child, Samuel Winter, of said Clinton, be, and he is hereby, authorized and empowered to sell, at public or private sale, all the interest of said Samuel Winter in and to a certain piece or parcel of land, situated in Boston, in the county of Suffolk and Commonwealth of Massachusetts, on the easterly side of Harrison avenue, bounded west by said avenue, by two lines, fifty-eight feet and two inches; south on land now or late of A. S. Johnson, forty-three feet and seven inches; thence east on said Johnson's land twenty-five feet and two inches; thence southerly again on said Johnson's land, ten feet and six inches; thence east again on said Johnson's land, twenty-nine feet and eight inches, to a passage-way, and northerly on said passage-way fifty-three feet and six inches to said avenue; and, also, the right of said Samuel Winter, in and to the said passage-way on the north side of the land above described, and all rights, easements, privileges, and appurtenances, to said premises belonging; and to make, execute, acknowledge, and deliver, good and sufficient deeds thereof to the purchaser or purchasers thereof: *provided*, the said guardian shall first give to the judge of probate for the county of Suffolk a bond, with good and sufficient surety or sureties, conditioned that he will execute the powers herein granted according to the best of his judgment, and apply the proceeds of said sale, or invest the same, according to law. [*Approved by the Governor, March 23, 1847.*]

minor's interest
in land in Bos-
ton.

Provided, &c.

RESOLVE for the Payment of Military Accounts.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several persons mentioned in the accompanying roll of military accounts, the sums set against their names respectively, amounting, in the whole, to ten hundred twenty-five dollars and fifty cents, the same being in full discharge of the demands to which they refer; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, March 26, 1847.*]

Chap. 27.

Allowance of
\$1025 50.

RESOLVE in relation to the State Arsenal in Cambridge.

Resolved, That the adjutant general be, and he is hereby, authorized and required to make such repairs at the arsenal at Cambridge, as may, in his opinion, be necessary for the preservation of the buildings, and the safe-keeping of the military stores contained therein: *provided*, that the expense thereof shall not exceed four hundred dollars; and that the same be defrayed out of any unexpended balance of former appropriations for the quarter master general's department. [*Approved by the Governor, March 26, 1847.*]

Chap. 28.

Adjutant Gen-
eral to make
repairs, at an
expense not
exceeding
\$400, to be de-
frayed, &c.

RESOLVE on the Petition of Ezekiel Needham.

Resolved, for the reasons set forth in said petition, that all the rights which this Commonwealth has acquired or may

Chap. 29.

Common-
wealth's title to

a farm in Groton relinquished.

acquire by escheat, in and to a certain farm situate in the town of Groton, and conveyed by said Needham to Charles B. Lucas, by deed dated October twenty-fourth, in the year one thousand eight hundred and forty-five, and recorded in the Middlesex Registry of Deeds, volume four hundred and seventy-two, page ten, be, and the same is hereby, relinquished to said Needham. [*Approved by the Governor, March 27, 1847.*]

Chap. 30.

RESOLVE concerning the Quarter Master General's Department.

Appropriation of \$3000.

Resolved, That the sum of three thousand dollars, be, and the same is hereby appropriated to defray the expenses of the quarter master general's department for the current year, and that warrants be drawn therefor. [*Approved by the Governor, March 29, 1847.*]

Chap. 31.

RESOLVE in addition to a Resolve, authorizing the Survey of South Bay and Charles and Mystic Rivers.

Additional appropriation of not exceeding \$120.

Resolved, That there be paid out of the treasury of this Commonwealth, in addition to the amount appropriated by a resolve passed on the sixteenth day of April, in the year one thousand eight hundred and forty-six, such sum or sums of money, not exceeding in the whole, one hundred and twenty dollars, as may be necessary to carry into effect the provisions of said resolve; and that a warrant be drawn accordingly. [*Approved by the Governor, April 1, 1847.*]

Chap. 32.

RESOLVE on the Petition of Josiah Brown.

Allowance of \$16, for services as member of the Legislature in 1846.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to Josiah Brown, of Hatfield, the sum of sixteen dollars, in full for services as a member of the Legislature, for the year one thousand eight hundred and forty-six; and that a warrant be drawn accordingly. [*Approved by the Governor, April 7, 1847.*]

Chap. 33.

RESOLVE on the Petition of the Trustees of Amherst College.

Annual allowance of \$5000 for five years, out of proceeds of sales of public lands.

Resolved, for reasons set forth in the said petition, that there be allowed and paid, out of the proceeds of the sales of the public lands, according to the provisions of the statute of the year one thousand eight hundred and forty-six, chapter two hundred and nineteen, section two, to the treasurer of said college for the time being, for the use of said college, the sum of five thousand dollars, on the first day of June, in each year, for five successive years, the first payment of five thousand dollars to be made on the first day of June next. And his excellency the governor, for the time being, is hereby authorized and requested to draw his warrants accordingly. [*Approved by the Governor, April 7, 1847.*]

RESOLVES relating to the Survey of Boston Harbor.

Chap. 34.

Resolved, That a sum not exceeding three thousand five hundred dollars, be hereby appropriated to defray the expenses of procuring a survey and chart of Boston Harbor, by the officers and engineers of the United States employed on the coast survey, in order to complete the survey commenced by them in said harbor in the year one thousand eight hundred and forty-six; and the governor is hereby authorized to draw his warrants accordingly.

Appropriation of \$3500, for procuring a chart of Boston Harbor.

Resolved, That the governor, if he shall deem it necessary, be authorized, by and with the advice and consent of the council, to appoint a commissioner or commissioners to designate the points of observation and inquiry, and direct the disbursement of the money that is required for said survey, and to draw his warrant for his or their compensation, from the sum hereby appropriated. [Approved by the Governor, April 7, 1847.]

Governor, with advice, &c. may appoint commissioners, &c.

RESOLVES for erecting the State Reform School Buildings.

Chap. 35.

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby, authorized and empowered to appoint a board of three commissioners, who shall cause to be erected, on such site, upon any part of the farm in Westborough recently obtained by gift to the Commonwealth, as they may judge best, a building or buildings suitable for the accommodation of a superintendent and steward, with their families, and a teacher or teachers, and capable of accommodating three hundred boys; and that said commissioners shall have power to make all necessary contracts for, and to appoint agents to superintend the erection of the same. And said commissioners shall present all their accounts to the governor and council, to be by them audited and allowed, from time to time, as they shall deem just.

Governor, with advice, &c. authorized to appoint three-commissioners, &c.

Resolved, That, for the purpose of defraying the expenses to be incurred under the previous resolve, his excellency the governor be, and he is hereby authorized, by and with the advice and consent of the council, to draw his warrants, from time to time, upon the treasurer of this Commonwealth, for the necessary sums of money, not exceeding, in the whole, thirty-five thousand dollars, in addition to the sum already appropriated by a resolve passed on the sixteenth day of April, in the year one thousand eight hundred and forty-six.

Additional appropriation of \$35,000.

Resolved, That the sum of one thousand dollars, remaining in the hands of the commissioners, being the balance of the donation of ten thousand dollars to the Commonwealth, be appropriated for permanent improvements for the benefit of said school, and be expended under the direction and at the discretion of the trustees.

Appropriation of \$1000, for permanent improvements.

Appropriation of \$1000, for stocking, improving, and cultivating said farm.

Resolved, That, for the purpose of stocking, improving, and cultivating, said farm at Westborough, for the current year, the sum of one thousand dollars be appropriated; and his excellency the governor be, and he is, hereby authorized, by and with the advice and consent of the council, to draw his warrant upon the treasurer of the Commonwealth for the same. [*Approved by the Governor, April 9, 1847.*]

Chap. 36.

RESOLVE on the Petition of Philo S. Shelton.

Executor of the will of Benjamin P. Homer authorized to execute and deliver deed or deeds of real estate in Boston, &c.

Resolved, for reasons set forth in said petition, that the said Philo S. Shelton, sole remaining executor of the will of Benjamin P. Homer, late of Boston, in the county of Suffolk, deceased, be, and hereby is, authorized to execute and deliver to John E. Thayer, of said Boston, any deed, or deeds, that may be necessary to pass the whole title and estate, of which the said Benjamin P. Homer died seized and possessed, in and unto a certain piece or parcel of land, with the dwelling-house and other buildings thereon, situate at the corner of Beacon and Walnut streets, in said Boston, bounded as follows, viz:—Beginning at the north-west corner of said land on Walnut street, and thence running southerly, and bounded westerly on Walnut street, two hundred feet, more or less, to Beacon street; southerly, on Beacon street, thirty-two feet; easterly, on land of Samuel Appleton, two hundred feet, more or less; northerly, on land devised, under said will, to certain trustees, for Mary Dixon, about forty-nine feet, together with all the rights, privileges, and appurtenances, to said premises belonging; so that said Thayer, his heirs and assigns, may thereafter hold said premises free and discharged from all trusts, limitations, or conditions, in the will of said Benjamin P. Homer contained, and from all obligations or accountability concerning the appropriation of the consideration-money paid for said premises: *provided*, that the petitioner shall first give bond, with surety or sureties, to the judge of probate for the county of Suffolk, to the satisfaction of said judge, for the faithful execution of the power hereby conferred, and to apply and account for the said consideration-money according to law and said will. [*Approved by the Governor, April 9, 1847.*]

Provided, &c.

Chap. 37.

RESOLVE on the Petition of William C. Goodspeed, Executor.

Executor of the will of Heman Goodspeed authorized to file affidavit and copy of notice.

Resolved, for reasons set forth in said petition, that William C. Goodspeed, of Hubbardston, county of Worcester, executor of the last will and testament of Heman Goodspeed, late of said Hubbardston, deceased, be hereby authorized to make and file, in the probate office for the county of Worcester, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of administrators and executors by the sixteenth sec-

tion of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situated in the town of Hubbardston, belonging to the estate of said deceased; said sale having been made, by said executor, under a license granted by a court of probate, holden at Worcester on the first Tuesday of February, one thousand eight hundred and forty-five: *provided*, that the said William C. Goodspeed shall first give such notice as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice: *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same should not be filed; and such affidavit and copy of notice, thus filed, shall be as effectual for all purposes as if the same had been filed within the time required by law. [Approved by the Governor, April 10, 1847.]

Provided, &c.

RESOLVE ON the Petition of Samuel Bixby.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to Samuel Bixby, of Millbury, in the county of Worcester, for revolutionary services, the sum of fifty dollars a year, for and during his natural life, the first payment to be made on the first day of January next, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, April 12, 1847.]

Chap. 38.

Annual allowance of \$50 for life, from January 1, 1848, for revolutionary services.

RESOLVES ON the Petition of the Water Commissioners of the City of Boston.

Resolved, That the treasurer and receiver general of the Commonwealth is hereby authorized and directed to execute and deliver, to the city of Boston, a deed conveying to the said city the estate owned by the Commonwealth on Hancock street, in the said city, and now occupied by the sergeant-at-arms, on the payment, at any time within one year from the passage of these resolves, by the water commissioners of the said city, of the sum of thirteen thousand dollars.

Chap. 39.

Commonwealth's estate on Hancock street, in Boston, to be conveyed to the city of Boston, for \$13,000, &c.

Resolved, That the sergeant-at-arms, at any time after the delivery of the deed aforesaid, under the direction of a joint committee, consisting of one member of the Senate and two members of the House of Representatives, is hereby authorized and directed to purchase, in the name of the Commonwealth, an estate, with a dwelling-house thereon, suitable for the occupation of the sergeant-at-arms, in the city of Boston, in the vicinity of the state-house, at a price, including all necessary expenses and repairs, not exceeding thirteen thousand dollars.

Sergeant-at-arms to purchase estate for his residence, in the name of the Commonwealth, under direction of a committee,

at a cost not exceeding \$13,000.

Resolved, That, when such an estate shall have been purchased, the sergeant-at-arms, for the time being, may occupy and improve the same, in the same manner that the

Sergeant-at-arms to occupy and improve estate to be purchased,

estate now owned by the Commonwealth has been occupied and improved by that officer.

Warrants to be drawn, &c.

Resolved, That his excellency the governor be requested to draw his warrant upon the treasury, for the payment of the purchase-money and the necessary expenses of such estate as may be purchased in pursuance of the preceding resolves. [*Approved by the Governor, April 13, 1847.*]

Chap. 40.

RESOLVE authorizing the Land Agent to sell Lands, in certain cases.

Land agent to sell lands sold before 1842, and unpaid for.

Provided, &c.

Resolved, That the land agent be authorized and directed to make a further sale of lands, heretofore sold by this Commonwealth, in those cases where notes taken for the said lands were due in the year one thousand eight hundred and forty-one, or before that year, and remain unpaid: *provided*, that the land agent shall first give notice to the delinquent purchasers of the said lands, where the parties are known, of the passage of this resolve; and if the said delinquent purchasers shall fail to pay their said notes to the treasurer of the Commonwealth on or before the first day of September, in the year one thousand eight hundred and forty-seven, then the said treasurer is directed to cancel or deliver up the said notes to the makers thereof. [*Approved by the Governor, April 13, 1847.*]

Chap. 41.

RESOLVE relating to Literary Exchanges in France.

Additional appropriation of \$300 for expenses in Paris.

Resolved, That a sum, not exceeding three hundred dollars, in addition to the balance which may remain of the appropriation of the twelfth day of February, in the year one thousand eight hundred and forty-six, is hereby appropriated to defray the expenses incurred for the Commonwealth, in the city of Paris, in the kingdom of France, on account of literary and scientific exchanges with this Commonwealth; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, April 14, 1847.*]

Chap. 42.

RESOLVES concerning the State Lunatic Hospital.

Unexpended balance of Johonnot fund, to be expended, &c.

Resolved, That the trustees of the State Lunatic Hospital are hereby authorized to use the unexpended balance of the Johonnot fund, for the purpose of providing new apartments for the furiously insane patients of said hospital, and the trustees of said hospital are hereby authorized to build the same.

Additional appropriation of \$6000, for providing accommodations for furiously insane patients.

Resolved, That, in addition to the above fund, the sum of six thousand dollars is hereby appropriated for the purpose of enabling the trustees to erect a suitable building, or buildings, for the purpose expressed in the foregoing resolve; and that his excellency the governor is hereby authorized to draw his warrant on the treasury of the Commonwealth, payable to the treasurer of said hospital, for the

whole, or any part of said sum, whenever thereto requested by said trustees. [*Approved by the Governor, April 14, 1847.*]

RESOLVE to pay the Chaplains of the Legislature.

Chap. 43.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplain of the Senate and to the chaplain of the House of Representatives, each the sum of sixty dollars, and that warrants be drawn accordingly. [*Approved by the Governor, April 15, 1847.*]

Allowance of \$60 each to the chaplains of the Senate and House.

RESOLVE for the pay of the Council, Senate, and House of Representatives.

Chap. 44.

Resolved, That there be paid, out of the treasury of this Commonwealth, to each member of the Senate and House of Representatives, two dollars, for each and every day's attendance during the present political year, and the sum of two dollars for every ten miles travel from their respective places of abode, once in each session, to the place of the sitting of the General Court. And also to each member of the council two dollars per day for each day's attendance at that board, at every session thereof, during the present political year, and the sum of two dollars for every ten miles travel from their respective places of abode once in each session thereof. And to the president of the Senate, and the speaker of the House of Representatives, each, the sum of two dollars for each and every day's attendance, in addition to their pay as members, and that warrants be drawn accordingly. [*Approved by the Governor, April 15, 1847.*]

Allowance of \$2 to each counsellor, senator, and representative, for each day's service in 1847, and \$2 for every ten miles travel.

President and speaker to receive \$2 additional for each day.

RESOLVE to pay the Assistant Messenger to the Governor and Council.

Chap. 45.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the assistant messenger to the governor and council, the sum of two dollars for each and every day he has been or may be employed in that capacity, during the sessions of the council the present political year, and that warrants be drawn accordingly. [*Approved by the Governor, April 16, 1847.*]

Allowance of \$2 a day, during sessions of the council.

RESOLVE to pay for Fuel and for other purposes.

Chap. 46.

Resolved, That there be paid, out of the treasury of this Commonwealth, to the sergeant-at-arms to the General Court, the sum of twenty-five hundred dollars, to enable him to purchase fuel and other necessary articles, for the use of the General Court and the several offices in the state-house; and that a warrant be drawn accordingly. [*Approved by the Governor, April 16, 1847.*]

\$2500 appropriated, to be expended by the sergeant-at-arms.

Chap. 47.

RESOLVE on the Petition of Eleazer Kellogg.

Administrator
of the estate of
William Field,
authorized to
convey real es-
tate.

Resolved, for reasons set forth in said petition, that Eleazer Kellogg, of Amherst, in the county of Hampshire, administrator on the estate of William Field, late of Leverett, in the county of Franklin, deceased, be, and he hereby is, authorized to convey in fee simple, by good and sufficient deed, to Elijah P. Ward, of said Leverett, in consideration of the sum of fifty dollars, paid to the said William Field in his life-time, a certain tract of land, bounded and described as follows, to wit: beginning at a large maple tree, at the northeast corner, on land belonging to Erastus Field, thence westerly on land of Erastus and Frederick W. Field, to a stake and stones; thence southerly on land of Richard Hobart, to a stake and stones; thence easterly on land of Richard Hobart and the heirs of said William Field, to a stake and stones; thence northerly on land of said William Field's heirs, to the above-named tree, the first-mentioned corner—containing two acres, more or less. [*Approved by the Governor, April 16, 1847.*]

Chap. 48.

RESOLVE on the Petition of the Assessors of the Town of Berkley.

Taxes assessed
in Berkley in
1846, confirmed
and made valid.

Resolved, for reasons set forth in said petition, that all taxes assessed by the assessors of the town of Berkley, in the year one thousand eight hundred and forty-six, be and hereby are confirmed and made valid and legal; notwithstanding any irregularity or neglect on the part of said town in voting to raise the money so assessed. [*Approved by the Governor, April 16, 1847.*]

Chap. 49.

RESOLVE concerning the Perkins Institution and Massachusetts Asylum for the Blind.

Appropriation
of \$9000 an-
nually.

Resolved, That there be allowed and paid annually, in quarterly payments, out of the treasury of the Commonwealth, the sum of nine thousand dollars to the treasurer of the Perkins Institution and Massachusetts Asylum for the Blind, for the use of said institution, said payments to continue during the pleasure of the Legislature, and no longer: *provided*, that the said institution shall receive, board, lodge, and educate forty indigent blind persons belonging to the Commonwealth, if so many shall be recommended, to be placed there in conformity to the resolves passed by the Legislature on the sixteenth and twenty-eighth of February, in the year eighteen hundred and thirty-three; and the governor is requested to draw his warrants accordingly. All previous resolves, granting money to the said institution, are hereby repealed. [*Approved by the Governor, April 17, 1847.*]

Provided, &c.

Repeal of pre-
vious resolves.

RESOLVE on the Petition of Smith Dyar and Others.

Chap. 50.

Resolved, for reasons set forth in said petition, that said Smith Dyar be, and hereby is, authorized to sell, at public auction or at private sale, as may seem to him expedient, a certain parcel of land in Charlestown, with the buildings thereon, bounded southeasterly on School street, so called, twenty-two feet, southwesterly on land of the heirs of Thomas Barker, sixty-one feet, northwesterly on land now or late of Nathaniel Ayer, twenty-three feet eight inches, and northeasterly on land now or late of Nathaniel L. Cobb, fifty-nine feet eight inches, more or less, with all the privileges and appurtenances to the same belonging, being the same estate conveyed to said Dyar, as trustee under the will of Andrew P. Young, by deed of Phineas A. Stone, dated the tenth day of November, in the year one thousand eight hundred forty-three, recorded with Middlesex deeds, book 433, page 415; and to execute and deliver, to the purchaser or purchasers, a deed thereof in fee simple; and to deduct from the proceeds of such sale, the sum of five hundred dollars and the expenses of such sale, and the balance thereof to invest in other real estate, or in personal securities, to be held by him upon the trusts set forth in the will of said Andrew P. Young.

Trustee under the will of Andrew P. Young, authorized to sell real estate in Charlestown,

Also, to execute and deliver, to said Ebenezer Johnson and Phineas A. Stone, a deed confirming the conveyance of said Smith Dyar, John Neat, and Mary Ann Neat, and another, of the estate in Cross street, in Boston, to said Stone and Johnson, dated the tenth day of November, in the year one thousand eight hundred and forty-three, re-recorded with Suffolk deeds, lib. 511, folio 219, which shall vest in said Johnson and Stone all the right, title and interest, whether present or contingent, in remainder, reversion, or otherwise, of said Dyar, said John and said Mary Ann, in and to said estate, free and discharged from all trusts.

and to execute and deliver deed of conveyance of estate in Boston.

Provided, that said Smith Dyar shall first file in the probate office for the county of Suffolk a bond, to be approved of by the judge of probate for said county of Suffolk, for the faithful discharge of his duties as trustee, for the faithful performance of the powers granted by this resolve, and to account for the said five hundred dollars to the said John Neat and Mary Ann Neat; their discharge for the same to be sufficient evidence of accounting. [*Approved by the Governor, April 19, 1847.*]

Provided, &c.

RESOLVE concerning the Boundary Line between Massachusetts and Rhode Island.

Chap. 51.

Resolved, That the line surveyed and marked by monuments, (by the commissioners appointed, by the States of Massachusetts and Rhode Island, to ascertain and establish

Line surveyed and marked, &c. by the commissioners es-

published as the true boundary line between Massachusetts and Rhode Island.

the line between said States,) from the monument in Burnt Swamp Corner, so called, in Wrentham, in Massachusetts, to the monument standing between the towns of Thompson, in the State of Connecticut, Burrilville, in the State of Rhode Island, and Douglas, in the State of Massachusetts, as ascertained and established by the commissioners of said States of Massachusetts and Rhode Island, by their joint return to said States, under date of December thirty-first, in the year one thousand eight hundred and forty-six, be, and the same is hereby, established as the true boundary line between the States of Massachusetts and Rhode Island, from Burnt Swamp Corner, aforesaid, to said monument at the northwest corner of Rhode Island. [*Approved by the Governor, April 19, 1847.*]

Chap. 52.

RESOLVE on the Petition of Rebecca Emmes.

Annual allowance of \$50 for life.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to Rebecca Emmes, of Boston, in the county of Suffolk, widow of Nathaniel Emmes, deceased, the sum of fifty dollars a year, for and during her natural life; the first payment to be made in one year from the time when the last payment was made to her late husband, Nathaniel Emmes, deceased; and that the Governor draw his warrant therefor accordingly. [*Approved by the Governor, April 19, 1847.*]

Chap. 53.

RESOLVE on the Petition of Joseph Buswell, Obed F. Hitch, and Mary G. Hitch, his wife.

'Trustees to be appointed by judge of probate, authorized to sell land in Methuen.

Resolved, for reasons set forth in said petition, that the following described parcel of land, called the Bodwell Pasture, situate in Methuen, in the county of Essex, containing about fifteen acres, more or less, bounded northerly by land of Jeremiah Frye and Simeon L. Wilson, easterly by a public road, southerly by land of John Graves, and westerly by land of the Essex Company and others, be, and the same is hereby, authorized to be sold and conveyed in fee simple, and good and sufficient deed or deeds to be given to the purchaser or purchasers, by three disinterested persons, to be appointed trustees, from time to time, by the judge of probate for said county; said sale and conveyance to be made by said trustees, in such manner, on such terms, and for such price, at public or private sale, as they shall deem expedient, and the proceeds thereof to be loaned, by said trustees, on good and sufficient real estate securities, and the interest thereof to be appropriated by them for the benefit of said Mary G. Hitch, during the natural lives of said Mary G. Hitch and said Joseph Buswell; and, at the decease of either of them, the proceeds so invested to be conveyed, paid, delivered over, or disposed of, according to the true intent and meaning of the last will and testament of

Investment and appropriation of proceeds.

their late father, Joshua Buswell, deceased : *provided, however*, that such trustees shall first give bonds to said judge, faithfully to execute the powers granted by this resolve. [*Approved by the Governor, April 20, 1847.*]

RESOLVE concerning State Pauper Charges.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to reserve, from any money that may now or hereafter be due from the treasury to any city or town in the Commonwealth, all sums of money which have been overpaid to such city or town for State pauper charges, according to the Report of the State Pauper Commissioners, appointed under the one hundred and forty-seventh chapter of the resolves of the year one thousand eight hundred and forty-six. [*Approved by the Governor, April 20, 1847.*]

Chap. 54.

Treasurer to reserve amounts overpaid to cities and towns, according to the report of the Commissioners.

RESOLVES concerning the Standard Weights, Measures, and Balances.

Resolved, That the weights, measures, and balances received from the government of the United States, and now in the library of Harvard University, shall be removed and placed in the state-house; and that the treasurer be, and hereby is, authorized and directed to prepare a place for their reception in the library, or if, on further examination, he should deem it advisable, in some other part of the state-house.

Chap. 55.

Treasurer to keep standard weights, &c. in the state-house.

Resolved, That the treasurer be, and he hereby is, authorized to cause to be made two sets of dry measures, of brass, of the following dimensions, (being aliquot parts of the half-bushel received from the government of the United States,) to wit: two of eight quarts, two of four quarts, two of two quarts, and two of one quart; one set to complete the standard of the Commonwealth, the other set as a duplicate for the use of the deputy State sealer.

Treasurer to cause to be made two sets of dry measures, &c.

Resolved, That the treasurer be, and he hereby is, authorized and directed to cause to be made, as models, a set of weights, measures, and balances, suitable for county standards; also, a set suitable for town standards; and the town and county standards shall be made to conform, as near as practicable, to said models.

Treasurer to procure county and town standards.

Resolved, That the unexpended balance of an appropriation made by the resolves of eighteen hundred and forty-six, chapter forty-nine, be applied to the defraying of all expenses incurred by virtue of the above resolves; and that the governor be authorized to draw his warrants accordingly. [*Approved by the Governor, April 20, 1847.*]

Appropriation to defray expenses.

Chap. 56.

RESOLVE relating to the "Disputed Territory Fund."

The governor
to appoint a
suitable person
to adjudicate
and settle with
claimants, in
connection, &c.

Resolved, That the governor be authorized and requested to appoint some suitable person, who, in connection with a person to be appointed for a like purpose on the part of the State of Maine, shall have full power and authority to adjudicate and settle with all claimants against the "Disputed Territory Fund." [Approved by the Governor, April 21, 1847.]

Chap. 57.

RESOLVE on the Petition of Daniel Austin and others.

Sales and con-
veyances of
real estate
made by execu-
trix of the will
of Benjamin
Joy,

partitions made
between heirs,
trustees, &c.

and sales and
conveyances
made by per-
sons claiming
to be devisees,
ratified and con-
firmed.

William Sohler
authorized to
make confirma-
tory deeds, &c.

Resolved, for the reasons in said petition set forth, that all sales and conveyances of the real estate, situate in this Commonwealth, of which the late Benjamin Joy, of Boston, in the county of Suffolk, esquire, deceased, died legally seized, which have been heretofore made by Hannah Joy, widow of said Benjamin, as his executrix; and all sales and conveyances of land, situate in this Commonwealth, heretofore made in pursuance of, and to fulfil, contracts entered into by said Benjamin during his lifetime, and all partitions heretofore made between the said Hannah Joy, Elizabeth Joy, John B. Joy, Daniel Austin, and Hannah Austin; his wife, in her right, John F. Loring and Henry Andrews, trustees under the marriage settlement of said Daniel and Hannah, and James W. Paige and Amos Cotting, trustees under the marriage settlement of the said John B. Joy and Ellen M., his wife, or either or any of them, claiming to be devisees of said Benjamin, and the other owners of tracts of land, situate in this Commonwealth, whereof said Benjamin was legally seized of an undivided share as tenant in common; and all sales and conveyances heretofore made by the said Hannah Joy, Elizabeth Joy, John B. Joy, Daniel Austin, and Hannah Austin, his wife, in her right, John F. Loring and Henry Andrews, trustees under the marriage settlement of said Daniel and Hannah, and James W. Paige and Amos Cotting, trustees under the marriage settlement of the said John B. Joy and Ellen M., his wife, or either or any of them, claiming to be devisees under the will of said Benjamin, to purchasers, for valuable considerations, be, and they hereby are, ratified, confirmed, and established as fully as if said Benjamin Joy, being then alive, had executed the same; and all and singular the titles now held under such conveyances, partitions, and deeds, respectively, be, and they hereby are, made and declared to be valid and effectual to all intents and purposes, as fully as if said Benjamin Joy, being then alive, had executed the same; and that William Sohler, of said Boston, esquire, be, and he hereby is, authorized and empowered to make, execute, and deliver, to any and all persons holding title under said deeds, partitions, and conveyances, made as aforesaid, (and to such persons only,) confirmatory deeds of the estates so held by them respect-

ively; and to convey, confirm, and assure, to them and their respective heirs and assigns, the several estates intended to have been granted or assigned, by said deeds, partitions, and conveyances, respectively, as fully as if said Benjamin Joy, being then alive, had executed the same; and that said Sohier be, and he hereby is, authorized and empowered to make partition of, and also to sell and convey, at his discretion, for such considerations as he shall judge best, the whole or any parts or parcels of the real estate, in this Commonwealth, whereof said Benjamin died legally seized, (and not included in the deeds, partitions, and conveyances aforementioned,) and of any and all the lots of land left in severalty by any partitions heretofore made between the said Hannah Joy, Elizabeth Joy, John B. Joy, Daniel Austin, and Hannah Austin, his wife, in her right, John F. Loring and Henry Andrews, trustees under the marriage settlement of said Daniel and Hannah, and James W. Paige and Amos Cotting, as trustees under the marriage settlement of the said John B. Joy, and Ellen M., his wife, or either or any of them, as devisees of said Benjamin, and the other owners as aforesaid; and to make, execute, and deliver, to the several devisees of said Benjamin, any and all instruments which may be necessary or proper for the purpose of making partition, as aforesaid; and to make, execute, and deliver, to any and all persons so purchasing, as aforesaid, good and sufficient conveyances of any and all parcels of land so sold, to hold to them and their respective heirs and assigns in fee simple, or for any less estate. And the purchasers under such conveyances are to be in no event bound to see to the application of the purchase money; and that said Sohier be, and he hereby is, authorized and empowered to divide and distribute the proceeds of such sales between and among the petitioners above named, in the proportions in which, by his said will, said Benjamin intended said real estate should be divided among them. And that the shares of said real estate, or the proceeds thereof, which shall be received from the said Sohier, under this resolve, by the trustees under the respective wills of the said Benjamin Joy and Hannah Joy, and by the trustees under the respective marriage settlements of said John B. and Ellen M. Joy, and of said Daniel and Hannah Austin, shall be held by said trustees respectively, upon the trusts, and to and for the uses, intents, and purposes, in and by said wills and settlements respectively declared, concerning the respective trust funds created, or intended to have been created, by said wills and settlements respectively.

Provided, however, that said Sohier shall first give such bond, with sureties to the judge of probate, for the time being, of the county of Suffolk, as said judge shall approve, conditioned faithfully to exercise all and singular the pow-

Provided, &c.

ers aforesaid, and to apply and dispose of the proceeds of sale in the way and manner aforesaid. But said Sohier is not to be bound to see to the proper application by said petitioners, or either of them, of the shares which they may respectively receive or take from him under and by virtue of this resolve. And *provided, also*, that the said Henry Andrews and Amos Cottung, as trustees, under the will of said Benjamin, for and in behalf of said Elizabeth Joy, and that said John F. Loring and the said Henry Andrews, as trustees under said will for and in behalf of said Hannah Austin, shall first give bonds, to the satisfaction of said judge of probate, conditional that such portions of the real estate of said Benjamin, or the proceeds thereof, as shall be received by them respectively from the said Sohier, under this resolve, shall be faithfully applied upon the trusts, and to and for the uses, intents, and purposes, in and by said will declared concerning the same. [*Approved by the Governor, April 21, 1847.*]

Chap. 58.

RESOLVE on the Petition of Samuel W. Wyman and James Wyman.

Executors of the will of William Wyman authorized to sell real estate.

Resolved, for reasons set forth in the said petition, that the said Samuel W. Wyman and James Wyman, executors of the last will and testament of William Wyman, late of Boston, in the county of Suffolk, deceased, are hereby authorized to sell and convey, in fee simple, either at public or private sale, and in such manner as they shall deem most for the interest of the parties concerned, all and singular the real estate of which the said William Wyman died seized and possessed, and to execute good and sufficient deeds therefor to the purchaser or purchasers, they first giving bonds, to the satisfaction of the judge of probate for the county of Suffolk, to dispose of the same in good faith, and to apply and account for the proceeds thereof agreeably to law and the directions of said will. [*Approved by the Governor, April 21, 1847.*]

Chap. 59.

RESOLVE on the Petition of the Trustees of the Elliot School.

Sale of salt-marsh in Roxbury confirmed.

Resolved, for reasons set forth in said petition, that the sale and conveyance of a certain parcel of salt marsh, situated in Roxbury, and containing about four acres, made by said trustees to the city of Boston, on the twenty-ninth day of September, in the year one thousand eight hundred and forty-six, and recorded in the Registry of Deeds for the county of Norfolk, liber 168, folio 113, be, and the same is, hereby confirmed, so that said city of Boston shall hold a good and indefeasible estate in fee simple, by virtue of said deed of said trustees. [*Approved by the Governor, April 21, 1847.*]

RESOLVE on the Petition of Isaac I. Norton.

Chap. 60.

Resolved, for reasons set forth in said petition, that Isaac I. Norton, administrator with the will annexed, on the estate of Jonathan Norton, late of Otis, in the county of Berkshire, deceased, is hereby empowered to make, execute, and deliver, to Jonathan Norton, of said Otis, a good and sufficient deed, in fee simple, of certain real estate which formerly belonged to said testator, situate in said Otis, and bounded as follows, to wit: westerly on land belonging to the heirs of Roderick Norton, northerly and easterly on land of Loring Flint, and southerly on land of the State of Connecticut and the pond, containing about seventy-five acres, which said real estate was heretofore bargained and sold, by Roderick Norton, then living, but since deceased, the executor of the last will and testament of said testator, to the said Jonathan Norton: *provided*, that the said Isaac I. Norton shall first give bond, with sureties, to the satisfaction of the judge of probate for the county of Berkshire, to apply and account for the consideration, to be received by him on the delivery of said deed, according to law and the said will. [Approved by the Governor, April 21, 1847.]

Administrator on the estate of Jonathan Norton authorized to execute deed of real estate in Otis.

Provided, &c.

RESOLVE to pay the Doorkeepers, Messengers, and Pages of the Senate and House of Representatives.

Chap. 61.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the doorkeepers and messengers of the Senate and House of Representatives, the sum of two dollars each per day; and to the pages of the Senate and House of Representatives, each the sum of one dollar and fifty cents per day, for each and every day's attendance during the present session of the Legislature, and that warrants be drawn accordingly. [Approved by the Governor, April 21, 1847.]

Daily allowance of \$2 each to doorkeepers and messengers; and of \$1 50, to pages, during session of the Legislature.

RESOLVE on the Petition of the Overseers of the Poor of the City of Cambridge.

Chap. 62.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the city of Cambridge, the sum of forty-one dollars and thirty-seven cents, in full for amount paid State Lunatic Hospital, for the support of Margaret James and Johnson Hollis, and that a warrant be drawn accordingly. [Approved by the Governor, April 22, 1847.]

Allowance of \$41 37, for support of lunatic state paupers.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Shrewsbury.

Chap. 63.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to the town of Shrewsbury, the sum of nineteen dollars and fifty cents, in full for the support of state paupers, for the year one thousand eight hundred and forty-six, and that the governor draw his warrant therefor accordingly. [Approved by the Governor, April 22, 1847.]

Allowance of \$19 50, for support of state paupers.

Chap. 64.

RESOLVES on the Petition of Caroline Stearns and Harriet Stearns.

Trustee for
James W.
Stearns may
join in, and as-
sent to, parti-
tion, &c.

and laying out
roads, &c.

Provided, &c.

Trustees for
Lucy T. G.
Stearns and
Sarah W. S.
Stearns may
join in, and as-
sent to, parti-
tion, &c.

and laying out
roads, &c.

Resolved, for reasons set forth in said petition, that said Caroline Stearns, as trustee for James W. Stearns, under the will of Sarah W. Stearns, late of Salem, of the county of Essex, deceased, be, and she hereby is, authorized and empowered to join in, and assent to, a partition of the real estate devised by and under said will, to her as trustee of said James W. Stearns, and to other devisees under said will; and to join said other devisees in making a deed or deeds of partition of said real estate, on behalf of said James W. Stearns, and said deed or deeds of partition shall be effectual and binding as and for a division of said real estate; and said Caroline Stearns is hereby further authorized, on behalf of said James W. Stearns, to join with the other said devisees in laying out a road or roads over said real estate, for the benefit and accommodation of the respective shares so divided, and to bind said James W. Stearns, and his interest or share in said real estate, by any covenants or agreements which she may deem just or expedient in reference to the making or maintaining said road or roads: *provided*, the assent of said James W. Stearns shall be first had to the performance of the above acts.

Resolved, That said Caroline and Harriet Stearns, as trustees for Lucy T. G. Stearns, and Sarah W. S. Stearns, daughters of Richard S. Stearns, deceased, under the said will of Sarah W. Stearns, deceased, be, and they hereby are, authorized and empowered to join in, and assent to, a partition of the real estate devised by and under said will, to them as trustees of said Lucy T. G. Stearns and Sarah W. S. Stearns, and to the other devisees under said will, and to join said other devisees in making a deed or deeds of partition of said real estate on behalf of said Lucy T. G. Stearns and Sarah W. S. Stearns; and said deed or deeds of partition shall be effectual and binding as and for a division of said real estate; and said Caroline and Harriet Stearns are hereby further authorized, on behalf of said Lucy T. G. Stearns and Sarah W. S. Stearns, to join with the other said devisees in laying out a road or roads over said real estate, for the benefit and accommodation of the respective shares so divided, and to bind the interest or shares of said Lucy T. G. and Sarah W. S. Stearns, in said real estate by any covenants or agreements which said trustees may deem just or expedient in reference to the making or maintaining said road or roads. [*Approved by the Governor, April 22, 1847.*]

Chap. 65.

RESOLVE in favor of Cyrus Peirce.

Appropriation
of \$1350, from
School Fund, for
repairs of State
Normal School
House at West
Newton.

Resolved, That the sum of thirteen hundred fifty dollars, to be taken from the School Fund, be and the same is hereby appropriated to pay the demand of Cyrus Peirce against the Board of Education, for repairs on the State Normal School House, at West Newton; and his excellency the governor

is hereby authorized to draw his warrant on the treasury for the same, on the application of said board. [*Approved by the Governor, April 22, 1847.*]

RESOLVE on the Petition of Samuel M. Thomas, Guardian.

Resolved, for the reasons set forth in said petition, that Samuel M. Thomas, guardian of Nathaniel M. Thomas, Josiah A. Thomas, Jr., Collins D. Thomas, Deborah E. Thomas, and Frances D. Thomas, minors, be and he hereby is empowered to sell and convey to Nathan Hale, James F. Baldwin, and Thomas B. Curtis, all of the city of Boston, by good and sufficient deed, a certain tract and parcel of land, with the appurtenances, called the John Loker Place, situated at the end of Long Pond, in the town of Natick, containing thirteen acres, more or less. Also, one undivided half of the lot of land adjoining said pond, containing about fourteen acres, lately owned, in common, by Isaac Damon and Collins Damon, deceased, being the same tract of land devised by the said Collins Damon, in and by his last will and testament, to his daughter, Caroline Thomas, wife of Josiah A. Thomas, during her life, and, at her decease, to all the children of the said Caroline and the representatives of any deceased child: *provided*, that the said Josiah A. Thomas and Caroline Thomas shall join in such deed, or, by a separate deed, convey their interests therein to said Nathan Hale, James F. Baldwin, and Thomas B. Curtis, for such price or sum of money as shall be agreed upon by the said Samuel M. Thomas, Josiah A. Thomas, and Caroline Thomas; the same to be paid to the said Samuel M. Thomas: *provided further*, that the said Samuel M. Thomas shall first give bond to the judge of probate for the county of Middlesex, to render a just account of the net proceeds of said sale to the probate court of said county of Middlesex, within one year from said sale, and to pay the interest thereof to the said Caroline during her life, and, at her decease, to pay the principal to her children and the representatives of any deceased child. [*Approved by the Governor, April 23, 1847.*]

Chap. 66.

Guardian authorized to sell and convey land and appurtenances in Natick.

Provided, &c.

RESOLVE on the Petition of Charles Upham.

Resolved, for reasons set forth in said petition, that Charles Upham, of Framingham, in the county of Middlesex, administrator of the estate of Joseph Curtis, late of Boston, in the county of Suffolk, deceased, be hereby authorized to make, and file in the probate office for the county of Suffolk, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of executors and administrators, by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of

Chap. 67.

Administrator of the estate of Joseph Curtis authorized to make and file affidavit and copy of notice.

certain real estate, situate in the town of Charlestown, belonging to the estate of said deceased; said sale having been made by said administrator, under a license granted by the court of probate, holden at Boston on the twentieth day of February, in the year one thousand eight hundred and forty-three: *provided*, that the said Charles Upham shall first give such notice as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice: *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed; and such affidavit and copy of notice, thus filed, shall be as effectual, for all purposes, as if the same had been filed within the time required by law. [*Approved by the Governor, April 23, 1847.*]

Provided, &c.

Chap. 68.

RESOLVE to pay for Repairs in the Senate Chamber.

Warrants to be drawn to pay for repairs in the senate chamber.

Resolved, That the governor be requested to draw warrants on the treasury, in favor of the sergeant-at-arms, for such sums as may be necessary to pay the expenses which may be incurred under an order of the senate of the fourteenth day of April, instant, for sundry repairs in the senate chamber. [*Approved by the Governor, April 23, 1847.*]

Chap. 69.

RESOLVE on the Petition of Charles Leighton, Guardian.

Guardian of an insane person authorized to procure a re-conveyance of land, buildings, &c. from Charles Haynes or others,

and to redeem said real estate from incumbrances and mortgage,

and to borrow moneys,

and mortgage real estate.

Resolved, for reasons set forth in said petition, that Charles Leighton, of Boston, in the county of Suffolk, guardian of John Russell, of said Boston, an insane person, or his successor in said office, be, and he is, hereby authorized and empowered to procure, from Charles Haynes, of said Boston, or from any person or persons claiming under him, a re-conveyance to said Russell, his heirs and assigns, of the land, buildings, rights, privileges, and appurtenances, described in the deed from said John Russell to said Haynes and Joseph A. Whitney, dated the first day of June, eighteen hundred and forty-six, and recorded with Suffolk Records of Deeds, book 562, fol. 301, and also to redeem said real estate, situate in said Boston, from any incumbrance existing thereon, and particularly from an outstanding mortgage to one James Holton; and, for such purpose or purposes, and also for the purpose of paying off any debts that may be due from said Russell, the said guardian, or his successor in said office, is hereby further authorized and empowered to borrow, in the name and stead of said Russell, any sum or sums of money that he may think necessary therefor, not exceeding in all, the sum of fifteen hundred dollars; and to make, execute, and deliver, in the name of said Russell, any deed or deeds of mortgage of such real estate, or of any part thereof, as the said guardian may deem proper to secure the payment of such loan or loans and interest, to such person or persons as the said

guardian may see fit; and such mortgage or mortgages, and the evidence of the debt thereby secured, shall be as good and effectual, both in law and in equity, for all purposes, as if made or executed by said Russell, if personally able so to do: *provided*, said Leighton shall, before exercising any of the powers herein conferred upon him, give bonds, to the judge of probate for the said county of Suffolk, for the faithful execution of the said powers, in such sum, and with such sureties, as shall be deemed satisfactory by said judge of probate. [*Approved by the Governor, April 23, 1847.*]

Provided, &c.

RESOLVE on the Petition of the First Trinitarian Congregational Society in Waltham.

Chap. 70.

Resolved, for reasons set forth in said petition, that the First Trinitarian Congregational Society in Waltham, are hereby authorized and empowered to sell and convey all that real estate, situate in Waltham, described and conveyed in the deed of Joel Fuller and others to Eliphalet Pearson, Abel B. Richardson, Nathaniel Bailey, Forrist Foster, and Arthur Hunting, committee of the Trinitarian Society in Waltham, dated the fourteenth day of April, in the year one thousand eight hundred and twenty-six, in such parcels as they may think proper, in fee simple, discharged from all conditions and trusts declared in the deed afterwards made by said committee to John Tappan and others: and the deed of said Tappan and other surviving trustees, dated the first day of March now last past, releasing said estate to said society, is hereby confirmed. [*Approved by the Governor, April 23, 1847.*]

Society authorized to sell and convey real estate in Waltham, discharged from all conditions and trusts, &c.

RESOLVES concerning the Annual Reports of the Board of Education and the Abstracts of School Returns.

Chap. 71.

Resolved, That the clerk of the Senate, for the time being, be authorized and directed to cause to be printed, annually, before the meeting of the Legislature, or as soon thereafter as may be, six thousand copies of the Annual Report of the Board of Education, instead of the number authorized by the resolves of the year one thousand eight hundred and forty-four, chapter fifty-seven.

Clerk of the Senate to print 6000 copies of the Annual Report of the Board of Education.

Resolved, That there be annually allowed, to the Secretary of the Board of Education, a sum not exceeding one hundred and fifty dollars, for the purpose of defraying any expenses which he may incur in making up the Abstracts of Annual School Returns, as provided by an act passed during the present session of the Legislature, entitled "An Act relative to the Abstract of School Returns and the Duties of School Committees;" and that the governor be authorized to draw his warrants accordingly. [*Approved by the Governor, April 23, 1847.*]

Annual allowance of \$150 to Secretary of the Board of Education for making abstracts of School Returns.

Chap. 72.

RESOLVE on the Petition of John Sargent.

Allowance of \$947 17 for services and expenses as commissioner, relating to State pauper accounts.

Resolved, for the reasons set forth in said petition, that said John Sargent be paid, out of the treasury of the Commonwealth, the sum of nine hundred forty-seven dollars and seventeen cents, as compensation for services rendered, and expenses incurred, as commissioner under the resolve of the sixteenth of April, in the year one thousand eight hundred and forty-six, relating to State pauper accounts; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 23, 1847.*]

Chap. 73.

RESOLVE for the Pay of the Clerks of the Legislature.

Allowance to the clerk of the Senate and of the House, of \$10 each, to the assistant clerk of the Senate and of the House of \$6 each, for each day of the session; and of \$100 each to clerks of Senate and House, for copies of the journals.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the Senate and the clerk of the House of Representatives, each, the sum of ten dollars per day; and to the assistant clerk of the Senate and the assistant clerk of the House of Representatives, each, the sum of six dollars per day, for each and every day's attendance they have been, or may be, employed in that capacity, during the present session of the Legislature; and that there be further paid, to the clerk of the Senate and to the clerk of the House of Representatives, the sum of one hundred dollars, each, for copying the journals for the library, as required by the orders of the two houses; and that warrants be drawn accordingly. [*Approved by the Governor, April 23, 1847.*]

Chap. 74.

RESOLVE relating to the Publication and Sale of the Map of the Commonwealth.

Secretary may contract for the publication and sale of the map till April 23, 1850.

Resolved, That so much of the resolves of the year one thousand eight hundred and forty-four, chapter sixty-nine, as empowers the Secretary to contract for the publication of the State map, and for the keeping of copies of the same constantly for sale, on the terms prescribed in the said resolves, be, and the same is, hereby revived, and shall continue in force, for the term of three years from the passage of this resolve. [*Approved by the Governor, April 23, 1847.*]

Chap. 75.

RESOLVE in relation to the Commissioners on Idiocy.

Commission continued for one year.

Report to be made to next General Court.

Resolved, That all the powers vested in the commissioners on idiocy, appointed by the governor, by and with the advice and consent of the council, under the resolve approved the eleventh day of April, in the year one thousand eight hundred and forty-six, be continued on the terms provided in said resolve for one year, and that said commissioners make report of their doings to the next General Court. [*Approved by the Governor, April 24, 1847.*]

RESOLVES providing for Repairs in the State House.

Resolved, That the sergeant-at-arms cause two committee rooms, and a room for the storage of books and documents for the use of the Secretary's office, to be finished in the attic, at the west end of the state-house, and also make such necessary repairs as may be deemed expedient.

Resolved, That the sum of one thousand dollars be, and the same is, hereby appropriated, for the purpose of carrying into effect the foregoing resolve, which sum, or so much thereof as may be necessary, shall be expended in accordance with the provisions of an act, entitled "An Act relating to the state-house," passed the eighteenth day of March, in the year one thousand eight hundred and forty-one. [*Approved by the Governor, April 24, 1847.*]

Chap. 76.

Sergeant-at-arms to prepare two committee rooms, and a room for the use of the Secretary's office, &c.

Appropriation of \$1000.

RESOLVE relating to the Furnishing of Camp Equipage to the Field Officers of the Militia.

Resolved, That the adjutant and acting quarter-master general be, and he is, hereby authorized and required to prepare, out of the camp equipage now in the arsenals in Boston and Cambridge, suitable tents, with fixtures, to be delivered as a loan from the Commonwealth to the commanding officer of each brigade, regiment, and battalion of the volunteer militia of the Commonwealth; and each and every officer to whom such camp equipage shall be delivered shall be held responsible for the safe-keeping of the same; and, in case of the discharge or death of any such officer, he or his legal representative shall be released from such responsibility, upon filing, in the office of the adjutant general, a certificate of the officer upon whom the command of the brigade, regiment, or battalion, as the case may be, would legally devolve, that the articles so furnished are, at date of said certificate, in good order and condition; reasonable use and wear thereof excepted; and that the expense thereof be paid out of any unappropriated funds in possession of the adjutant general. [*Approved by the Governor, April 24, 1847.*]

Chap. 77.

Adjutant and acting quarter-master general, to lend tents and fixtures to commanding officers of brigades, &c.

RESOLVE on the Petition of Thomas Kempton.

Resolved, for the reasons set forth in said petition, that said Thomas Kempton be paid, out of the treasury of the Commonwealth, the sum of one thousand eighty-eight dollars and thirty-six cents, as compensation for services rendered, and for the use of a horse and carriage for himself and the other commissioner, and expenses incurred as one of the commissioners under the resolve passed the sixteenth of April, in the year one thousand eight hundred and forty-six, relating to State pauper accounts; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 24, 1847.*]

Chap. 78.

Allowance of \$1088 36, for services and expenses as commissioner of State pauper accounts.

Chap. 79.

RESOLVE on Petition of Jacob Cummings and Wife.

Administrators
of John Sargent
Tewksbury au-
thorized to re-
lease and dis-
charge mort-
gage.

Provided, &c.

Resolved, for reasons set forth in said petition, that said Jacob Cummings and wife, administrators of John Sargent Tewksbury be, and hereby are authorized to release and discharge the mortgage in said petition specified, as given to said John Sargent Tewksbury, by Samuel Tewksbury, and to deliver up the note with said mortgage given, to said Samuel Tewksbury, his representatives or assigns, upon payment by him or them of the sum due on said mortgage, on the day of such payment into the Massachusetts Hospital Life Insurance Company, there to remain for the time yet unexpired of said mortgage for the uses, upon the trusts, and subject to the charges for, upon, and under which the said mortgage and note were held. [*Approved by the Governor, April 24, 1847.*]

Chap. 80.

RESOLVE on the Petition of Samuel M. Noyes.

Allowance of
\$155 68 for ex-
penses of a suit
at law.

Resolved, for reasons set forth in the said petition, that there be paid, out of the treasury of the Commonwealth, to Samuel M. Noyes, the sum of one hundred fifty-five dollars and sixty-eight cents, as an indemnity for money by him paid in a suit commenced in obedience to orders, and in compliance with his duty as lieutenant-colonel commandant of the 1st regiment 2d brigade 2d division of Massachusetts militia, against the selectmen of Newburyport, in which he failed by reason of the repeal of the law on which said suit was founded; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 24, 1847.*]

Chap. 81.

RESOLVES concerning Military Documents of the Revolution.

Secretary to
ascertain and
report, &c.
what revolu-
tionary docu-
ments are to be
found at Wash-
ington necessa-
ry, &c., and the
probable ex-
pense of pro-
curing copies.

Resolved, That the Secretary of State be requested to inquire and report to the governor, for the information of the Legislature, at the next session, what documents are to be found at Washington, or elsewhere, which are necessary to complete the records in the archives of this Commonwealth, in relation to the service of the Massachusetts forces of the continental line of the army of the revolutionary war, or of citizens of Massachusetts, in the navy and militia of said war, and what will be the probable expense of obtaining copies of such documents.

Secretary to
purchase rev-
olutionary doc-
uments at an
expense not ex-
ceeding \$300.

Resolved, That the Secretary, with the sanction of his excellency, the governor, be directed to purchase any such revolutionary documents, (not now to be found in the State archives,) as may be offered to him for sale, and a sum, not exceeding three hundred dollars, is hereby appropriated for that purpose: and his excellency is authorized to draw his warrant on the treasury for the liquidation of all expenditures incurred under this resolve. [*Approved by the Governor, April 24, 1847.*]

RESOLVE concerning State Normal Schools.

Resolved, That the sum of six thousand dollars annually, for three years, be, and the same hereby is, appropriated to the support of State Normal Schools, under the direction of the Board of Education; and his excellency the governor is hereby authorized, from time to time, to draw his warrant on the treasury for the same, on the application of said board. [*Approved by the Governor, April 24, 1847.*]

Chap. 82.

Annual appropriation of \$6000, for three years for support of State Normal Schools.

RESOLVE on the Petition of Joseph Lee.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Joseph Lee, the sum of twenty-five dollars for services rendered the Commonwealth, in assisting in quelling a mob in the city of Salem; and that the governor be requested to draw his warrant accordingly. [*Approved by the Governor, April 24, 1847.*]

Chap. 83.

Allowance of \$25, for services in quelling a mob.

RESOLVE in addition to a Resolve, entitled, "Resolve on the Petition of George Caswell."

Chap. 84.

Resolved, That the commissioner, appointed under the resolve of the twenty-eighth of February, in the year one thousand eight hundred and forty-six, be authorized to sell the land therein mentioned, on the terms therein named, to any person he may deem proper: said land being bounded on the south by land of Billings Johnson, and the land of the Shakers. [*Approved by the Governor, April 24, 1847.*]

Commissioner authorized to sell land in Washington and Lenox.

RESOLVE on the Accounts of the Land Agent.

Chap. 85.

Resolved, That Geo. W. Coffin, land agent of the Commonwealth, be, and he hereby is, discharged from the payment of the sum of seventy-one thousand five hundred and twelve dollars and four cents, the receipt of which sum is acknowledged in his account with the Commonwealth for sales of land and timber, during the year one thousand eight hundred and forty-six. [*Approved by the Governor, April 24, 1847.*]

Land agent discharged from obligation for \$71,512 04, proceeds of land sales in 1846.

RESOLVE on the Petition of George W. Lothrop, Guardian of Hannah Reed Lothrop.

Chap. 86.

Resolved, That George W. Lothrop be, and he is, hereby authorized and empowered, in his said capacity of guardian, to borrow money sufficient to pay the incumbrance existing on the real estate, described in the bond of Caleb Howard to Hannah Reed Lothrop, bearing date the tenth day of May, in the year one thousand eight hundred and forty-one, viz: forty-one acres in West Bridgewater, on the south side of the old road, and twelve acres of swamp, about one third of a mile south of said old road. Also, three pieces of land in Easton; one piece containing thirty-two acres, one containing ten acres, bounded by the Boston and Taun-

Guardian authorized to borrow money and execute a note and mortgage of real estate in West Bridgewater and Easton.

ton turnpike, the other, containing four acres; or however otherwise said land may be situated or described; and being all the land described in said bond; and said guardian is authorized and empowered to execute a note and mortgage of said real estate, to secure the repayment of the money so borrowed to the person who may loan the same; and said mortgage deed, when executed, shall bind said real estate to the payment of said note and interest: *Provided, &c.* *provided*, said George W. Lothrop, as such guardian, before executing said note and mortgage, shall give bond to the judge of probate of the county of Plymouth, with sufficient sureties in such sum as may be required by said judge, that he will not mortgage said real estate for any further or greater sum than the principal and interest of the money to be paid to said Caleb Howard, in order to procure from him a release of said land to said Hannah Reed Lothrop, together with the costs and expenses attendant upon the case now pending between said Hannah Reed Lothrop and Caleb Howard, in the supreme court for said county of Plymouth; and that he will faithfully appropriate said money, when obtained, to paying for the release of said estate and the expenses attendant on procuring the same, agreeably to the true intent of this resolve. [*Approved by the Governor, April 26, 1847.*]

Chap. 87.

RESOLVE on the Petition of Daniel Sanderson.

Sale of real estate in Brookline made by representatives of Elisha Penniman, deceased, confirmed,

except as to certain interests. Trustees authorized to execute and deliver deeds of real estate,

Resolved, for the reasons set forth in said petition, that the sale made to Daniel Sanderson, in the year one thousand eight hundred and thirty-two, by the representatives of Elisha Penniman, deceased, and the trustees named in his will, of the real estate in Brookline, formerly owned by Isaac S. Gardner, lying on both sides of Brighton street, and containing about seventy-one acres, more or less, and each one of the deeds referred to in said petition be, and the same is, hereby fully confirmed, excepting as to the interest of Charles Penniman and George Penniman, therein; and furthermore, Charles Heath and Silas P. Tarbell, the trustees named in said Penniman's will, or any successor or successors, in said trust, for the time being, are hereby fully authorized and empowered, in their capacity as trustees, in consideration of the sum of money already received by them from said Sanderson, (in the manner stated in said petition), to execute, acknowledge, and deliver a deed or deeds, conveying to said Sanderson, in fee simple, the real estate so sold to him, in the year one thousand eight hundred and thirty-two, and such deed or deeds, so executed, shall pass to said Sanderson, in fee simple, all the right, title, and interest in said estate, of which said Penniman died seized or entitled to, by a title which shall be deemed, and be good and valid in law and in equity, to all intents and purposes whatsoever, excepting as to the interest of said Charles

Penniman and George Penniman therein: *provided however*, that said trustees give bond, with sufficient security or securities, to the judge of probate for the county of Norfolk, conditioned to apply the net proceeds of said sale to the same persons for whose benefit the said real estate would have been held, if no sale thereof had been made, so far as said proceeds have not already been so applied; and neither said Sanderson, nor any purchaser from him, shall be bound to see to the application of the purchase money. [*Approved by the Governor, April 26, 1847.*]

except as to certain interests. *Provided, &c.*

RESOLVES for the Promulgation of the General Laws and Resolves.

Resolved, That the Secretary of the Commonwealth be authorized and directed, as soon as practicable after the close of each session of the Legislature, to cause the general laws and resolves, of a public nature, to be published in a pamphlet form; said laws and resolves to be printed on one sheet of paper, of a size not less than twenty-three and a half by twenty-eight and a half inches, in twenty-four pages, in type not smaller than nonpareil; the size of the page, and the size of the type, to be in conformity to the quantity of matter, as near as may be; and to cause such number of copies to be printed as will supply each family in the Commonwealth with a copy, or one copy to each eight inhabitants, according to the last census; and that the Secretary be further authorized and directed to cause the same to be apportioned as above, and sent to the sheriff of each county, to be distributed by them to the several cities and towns in their respective counties, and placed in the hands of the city and town clerks for distribution among the inhabitants.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, annually, three mills per copy, to the sheriff of each county, for the distribution, to the cities and towns, of said laws and resolves.

Resolved, That the resolves passed on the twenty-fifth day of June, in the year one thousand seven hundred and ninety-four, and all other laws and resolves inconsistent with the foregoing, be, and are hereby, repealed. [*Approved by the Governor, April 26, 1847.*]

Chap. 88.

Secretary to publish, apportion, and distribute copies of the general laws and resolves in a pamphlet form.

Allowance to sheriffs of three mills per copy, for distribution.

Repeal of inconsistent provisions.

RESOLVE concerning Trespasses in Boston Harbor.

Resolved, That the district attorney for the county of Suffolk, be, and is hereby directed, by filing information, by indictment or other process, to abate nuisances, and to enforce the penalties that have been, or shall be, incurred, by any violation of the law passed on the nineteenth day of April in the year one thousand eight hundred and thirty-seven, entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," or of any subsequent law made for the same purpose. [*Approved by the Governor, April 26, 1847.*]

Chap. 89.

Attorney for Suffolk to abate nuisances and enforce penalties by indictments, &c.

Chap. 90. RESOLVE for the Payment of Expenses attending the Sickness and Funeral of Benjamin M. Buffington, late Member from Dartmouth.

Allowance of
\$92 50.

Resolved, That there be allowed and paid out of the public treasury, to the several persons mentioned in the accompanying roll, the sums set against their names respectively, amounting in the whole to ninety-two dollars and fifty cents, the same being in full discharge of the accounts and demands to which they refer, and that a warrant be drawn accordingly. [*Approved by the Governor, April 26, 1847.*]

Chap. 91.

RESOLVE in favor of Jacob L. Porter.

Allowance of
\$88 70 for ex-
penses in
searching for a
fugitive.

Resolved, for reasons set forth in the petition, that there be paid, out of the treasury of the Commonwealth, to Jacob L. Porter, sheriff of Bristol county, eighty-eight dollars and seventy cents, for expenses incurred under the direction of the district attorney for the southern district, in searching for Warren Billings, a fugitive from justice; and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 26, 1847.*]

Chap. 92. RESOLVE on the Petition of Amos Shumway, Guardian of the Dudley Indians.

Guardian, un-
der direction,
&c. to repair
houses in Web-
ster, at an ex-
pense not ex-
ceeding \$500.

Resolved, for reasons set forth in said petition, that the sum of five hundred dollars be hereby appropriated to defray the expenses of repairs upon the houses inhabited by the Dudley Indians residing within the town of Webster, and that warrants be drawn therefor. And the said Amos Shumway is hereby authorized, under the direction of the selectmen of said town, to expend said sum, or so much thereof as said selectmen may deem necessary, in the repairs of said houses. [*Approved by the Governor, April 26, 1847.*]

Chap. 93. RESOLVE granting Aid for the Suppression of counterfeiting Bank Bills and Coins.

Appropriation
of \$2500 annu-
ally, for five
years.

Resolved, That a sum, not exceeding two thousand five hundred dollars, be granted and paid annually, for the period of five years after the passage of this resolve, out of the treasury of the Commonwealth, to any association of officers of the banks of this Commonwealth, for the purpose of the prevention and detection of the crimes of making, or tendering in payment, as true, counterfeit bank bills, or counterfeit gold and silver coins; and that the governor be authorized to draw his warrant accordingly, from time to time, for such sums, not exceeding two thousand five hundred dollars in each year, as shall be equal to half of the sum which such association shall certify and prove to the governor to have been raised and judiciously expended by such association for the purposes above specified. [*Approved by the Governor, April 26, 1847.*]

Provided, &c.

RESOLVE relating to the Support of Deaf Mutes in the Asylum at Hartford.

Chap. 94.

Resolved, That, in addition to the annual sum already appropriated by law to the support and instruction of beneficiaries of Massachusetts, at the American Asylum for the deaf and dumb at Hartford, there be allowed and paid, from the treasury of the Commonwealth, a sum not exceeding two thousand dollars annually; and his excellency the governor is hereby authorized to draw his warrant for the same. [*Approved by the Governor, April 26, 1847.*]

Additional appropriation of \$2000 annually.

RESOLVE on the Petition of Charles L. Wilder and Harriet E. Wilder.

Chap. 95.

Resolved, for reasons set forth in said petition, that the title of Charles L. Wilder and Harriet E. Wilder, of Lancaster, in the county of Worcester, in and to certain real estate in said Lancaster, which was conveyed to them by Frederick W. Harris and James G. Carter, guardian of Emory Harris, by their certain deed, dated August twenty-eighth, one thousand eight hundred and forty-four, and recorded in the Registry of Deeds for said county of Worcester, book 391, page 436, be, and is hereby, fully confirmed and established to the said grantees, notwithstanding any informality in said deed, or any want of authority in said James G. Carter, as such guardian, to make such conveyance. [*Approved by the Governor, April 26, 1847.*]

Title to real estate in Lancaster confirmed and established.

RESOLVE directing District Attorneys to audit Accounts of Fees in certain cases, and cause the same to be paid to the Commonwealth.

Chap. 96.

Resolved, That the district attorneys of this Commonwealth be, and they hereby are, directed to examine and audit the accounts of such fees of sheriffs, deputy sheriffs, constables, and witnesses, as have been received from any county treasurer, by any present or past justice of any police court in their respective districts, and which have not yet been paid out to the persons to whom they belong, and to institute such legal process as may be necessary to secure the payment of such fees into the treasury of the Commonwealth. [*Approved by the Governor, April 26, 1847.*]

District attorneys to examine certain accounts of fees, and institute legal process for payment thereof.

RESOLVES providing for the Publication of certain Special Laws.

Chap. 97.

Resolved, That the special acts of this Commonwealth, passed subsequently to the year one thousand eight hundred and thirty-seven, be collated and published in volumes, as nearly as may be, in conformity with the volumes of the special laws heretofore published; and that a full and complete index of the matter contained therein be appended to each volume.

Special acts, subsequent to 1837, to be collated and published, with an index.

Resolved, That his excellency the governor be authorized to appoint a commissioner to carry the foregoing resolve into effect. [*Approved by the Governor, April 26, 1847.*]

Governor to appoint a commissioner.

Chap. 98. RESOLVE for the Payment of the Annuity heretofore payable to Harvard College by the Proprietors of Charles River Bridge.

Annual allowance of \$666 66.

Allowance of \$3333 30.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the president and fellows of Harvard College, the sum of six hundred and sixty-six dollars and sixty-six cents per annum, as and for the annuity secured to the said college in the charter of the proprietors of Charles River Bridge, and the several acts in addition thereto, the said annual payments to be made on the first day of January, in each year, and to continue so long as the said annuity was, by force of the said charter, and the acts in addition thereto, to be continued. And in lieu of all payments of the said annuity, which have become due and remain unpaid since the said Charles River Bridge and the franchise thereof, have become the property of the Commonwealth, there shall be paid to the said president and fellows, the sum of three thousand three hundred and thirty-three dollars and thirty cents, out of the treasury of the Commonwealth; and his excellency the governor, for the time being, is hereby authorized and requested to draw his warrants accordingly. [*Approved by the Governor, April 26, 1847.*]

Chap. 99.

Allowance of \$10,143 92.

RESOLVE for the Payment of sundry Miscellaneous Accounts.

Resolved, That there be allowed and paid, out of the public treasury, to the several corporations and persons mentioned in the accompanying roll, the sums set against their several names respectively, amounting in the whole to ten thousand one hundred forty-three dollars and ninety-two cents, the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, April 26, 1847.*]

Chap 100.

Allowance of \$36,632 51.

RESOLVE for the Payment of sundry Pauper Accounts.

Provided, &c.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several corporations and persons mentioned in the accompanying roll, the sum of thirty-six thousand six hundred thirty-two dollars and fifty-one cents, in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly: *provided*, that all payments made under this resolve shall be made upon the condition that the cities and towns, so receiving the same, shall respectively refund, to the treasurer of the Commonwealth, such sums as shall be found to have been illegally charged in the accounts upon which such payments are made. [*Approved by the Governor, April 26, 1847.*]

Chap 101.

Allowance of \$29,237 53.

RESOLVE for the Payment of sundry Miscellaneous Accounts.

Resolved, That there be allowed and paid, out of the treasury, to the several corporations and persons mentioned

in the accompanying rolls, the sums set against their several names, respectively, amounting to the sum of twenty-nine thousand two hundred thirty-seven dollars and fifty-three cents, the same being in full discharge of the accounts and demands to which they refer; and that a warrant be drawn accordingly. [*Approved by the Governor, April 26, 1847.*]

RESOLVES providing for the Appointment of a Board of Commissioners on the Laws concerning the Militia.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint five persons, to constitute a board of commissioners to report to the next legislature a system for the organization and discipline of the militia of the Commonwealth.

Resolved, That the compensation to each commissioner shall be three dollars a day, and one dollar for each ten miles travel to and from their several places of abode: *provided*, that no commissioner shall receive for his services more than ninety dollars in the whole, exclusive of his fees for travel. [*Approved by the Governor, April 26, 1847.*]

RESOLVES concerning the Mexican War, and the Institution of Slavery.

Resolved, That the present war with Mexico has its primary origin in the unconstitutional annexation to the United States of the foreign State of Texas; that it was unconstitutionally commenced by the order of the President, to General Taylor, to take military possession of territory in dispute between the United States and Mexico, and in the occupation of Mexico; and that it is now waged by a powerful nation against a weak neighbor—unnecessarily and without just cause, at immense cost of treasure and life, for the dismemberment of Mexico, and for the conquest of a portion of her territory, from which slavery has already been excluded, with the triple object of extending slavery, of strengthening the slave power, and of obtaining the control of the Free States, under the constitution of the United States.

Resolved, That such a war of conquest, so hateful in its objects, so wanton, unjust, and unconstitutional in its origin and character, must be regarded as a war against freedom, against humanity, against justice, against the Union, against the constitution, and against the free states; and that a regard for the true interests and highest honor of the country, not less than the impulses of Christian duty, should arouse all good citizens to join in efforts to arrest this war, and in every just way, to aid the country to retire from the position of aggression which it now occupies towards a weak, distracted neighbor, and sister republic.

Resolved, That our attention is directed anew to the "wrong and enormity" of slavery, and to the tyranny and usurpation of the "slave power," as displayed in the history

Chap 102.

Governor in council to appoint five commissioners to report, &c.

Commissioners' compensation to be \$3 per day, and \$1 for each ten miles travel.

Provided, &c.

Chap 103.

Origin and commencement of the war with Mexico for the dismemberment of that empire, the extension of slavery, the strengthening of the slave power, and the control of the Free States.

A war against freedom, humanity, justice, the Union, the constitution, and the Free States.

It ought to be arrested.

Patriotism and morality dictate efforts for the destruction of

the slave power
and the aboli-
tion of slavery.

of our country, particularly in the annexation of Texas, and the present war with Mexico; and that we are impressed with the unalterable conviction, that a regard for the fair fame of our country, for the principles of morals, and for that righteousness which exalteth a nation, sanctions and requires all constitutional efforts for the destruction of the unjust influence of the slave power, and for the abolition of slavery within the limits of the United States.

Annexation of
Mexican territo-
ry, hostile to the
well-being of
the Union.

Resolved, That the annexation of territory with Mexican population upon it, is highly inconsistent with the well-being of this Union. [*Approved by the Governor, April 26, 1847.*]

ROLL OF MILITARY ACCOUNTS, FOR THE YEAR 1846.

[SEE CHAP. 27. PAGE 513.]

INSPECTOR GENERAL.

H. K. Oliver.....(See sect. 12th, Militia Law of 1846,).....\$145 75.

DIVISION INSPECTORS. \$25 each per annum.

Names.		From.	To.	Time.	Pay.	Aggregates.
1st Division, -	-	December 31, 1845,	December 31, 1846,	12 months, -	\$25 00	\$75 00
2d " -	-	" " "	" " "	12 " -	25 00	
3d " -	-	" " "	" " "	12 " -	25 00	
BRIGADE INSPECTORS. \$25 each per annum.						
1st Brigade, -	-	December 31, 1845,	December 31, 1846,	12 months, -	\$25 00	146 51
2d " -	-	" " "	" " "	12 " -	25 00	
3d " -	-	" " "	" " "	12 " -	25 00	
4th " -	-	February 20, 1846,	" " "	10 " 10 days,	21 51	
5th " -	-	January 1, 1846,	January 1, 1847,	12 " -	25 00	
6th " -	-	December 31, 1845,	December 31, 1846,	12 " -	25 00	
ADJUTANTS. \$35 each per annum.						
1st Reg. Artillery,	-	January 1, 1846,	January 1, 1847,	12 months, -	\$25 00	\$25 00
2d " -	-	" " "	" " "	12 " -	25 00	
3d " -	-	December 26, 1845,	" " "	12 " 5 days,	25 27	

• MILITARY ACCOUNTS—Continued.

	Names.	From.	To.	Time.	Pay.	Aggregates.
4th Reg. Artillery,	Jonathan Arnold, Jr.	January 1, 1846,	January 1, 1847,	12 months,	\$25 00	
5th " "	Francis Allen, -	" " "	" " "	12 "	25 00	
1st " "	Joseph W. Currier, -	" " "	" " "	12 "	25 00	
3d " "	Elnathan W. Wilbur,	December 31, 1845,	December 31, 1846,	12 "	25 00	
4th " "	John H. Fellows, -	" " "	" " "	12 "	25 00	
5th " "	Gilbert Ferrin, -	" " "	" " "	12 "	25 00	
6th " "	Henry Merritt, -	" " "	" " "	12 "	25 00	
8th " "	John J. Walker,	January 1, 1846,	January 1, 1847,	12 "	25 00	
9th " "	Henry Kibling,	" " "	May 11, 1846,	11 days,	9 09	
9th " "	Sewell Richardson,	May 11, 1846,	May 11, 1846,	19 "	15 91	
10th " "	Joseph S. Clark,	August 25, 1846,	January 1, 1847,	6 "	8 75	
11th " "	Dwight B. Look,	January 1, 1846,	" " "	12 "	25 00	
1st Batt.	Amos H. Holbrook,	December 31, 1845,	December 31, 1846,	12 "	25 00	
3d " "	Thomas J. Voakes, -	September 13, 1845,	December 31, 1845,	17 days,	7 44	\$366 46

POSTAGE ACCOUNT.

Maj. Gen. Appleton Howe,	-	-	-	-	\$6 00
Brig. Gen. David S. Jones,	-	-	-	-	6 30
Col. Eliab Ward,	-	-	-	-	5 00
Brig. Gen. George Hobbs,	-	-	-	-	5 38
Maj. Gen. Benjamin Adams,	-	-	-	-	4 15
Col. Elisha A. Edwards,	-	-	-	-	1 10
Brig. Gen. James Dana,	-	-	-	-	7 27
Col. Thomas J. Bowler,	-	-	-	-	3 00
Col. Justin Thayer,	-	-	-	-	4 00
Brig. Gen. Henry Dunham,	-	-	-	-	3 40
Col. Samuel P. Shattuck,	-	-	-	-	3 68
					<hr/>
					\$49 28

RECAPITULATION.

Inspector General,	-	-	-	-	\$145 75
Division Inspectors,	-	-	-	-	75 00
Brigade do.	-	-	-	-	146 51
Adjutants,	-	-	-	-	366 46
Hauling Artillery,	-	-	-	-	242 50
Postage,	-	-	-	-	49 28
					<hr/>
					\$1025 50

ROLL OF NEWSPAPER ACCOUNTS,

Audited by the Committee on Accounts, and reported to the House of Representatives, April 24, 1847.

[SEE RESOLVE, CHAP. 99. PAGE 540.]

NEWSPAPER ACCOUNTS.

547

Name of Proprietor.	Name of Paper.	For Papers.	For Advertising.	For Laws.	Total.
J. S. & C. Adams,	Hampshire and Franklin Express,	\$3 50	-	\$16 66	\$20 16
D. F. Ashley, -	Hampden Post, -	60	\$2 00	33 34	35 94
E. Anthony, -	Bristol County Democrat,	4 00	-	-	4 00
Beals & Greene,	Boston Post, &c., -	442 50	27 62	-	470 12
Bradbury, Harmon & Co.,	" Bee, -	10 98	-	-	10 98
Bradbury & Guild,	" Atheneum, -	48 00	-	-	48 00
J. B. Brown & Co., -	Christian Alliance and Family Visitor,	6 96	-	-	6 96
Boston Wesleyan Association,	Zion's Herald, -	16 80	-	-	16 80
George W. Bazin,	Trumpet and Universalist Magazine,	9 24	-	-	9 24
Otis Brewer, -	Boston Cultivator,	34 80	-	-	34 80
W. & W. J. Buckminster,	Massachusetts Ploughman,	60 00	-	16 67	76 67
W. A. Bryant,	Barre Gazette, -	6 03	-	16 67	22 70
N. F. Bryant, -	" Patriot, -	5 04	-	16 66	21 70
Samuel Bowles,	Springfield Republican, -	9 50	-	50 00	59 50
Hiram A. Beebe,	Westfield Standard,	3 00	-	16 67	19 67
S. C. Baldwin,	Plymouth Rock, -	3 00	-	16 66	19 66
W. W. Clapp & Son,	Evening Gazette, -	117 58	-	-	117 58
David Clapp, -	Medical and Surgical Journal,	30 46	-	-	30 46
G. G. Channing,	Christian World, -	12 00	-	-	12 00
Chapman & Palfray,	Salem Register, -	26 00	4 00	-	30 00
Henry Chickering,	Weekly Transcript,	-	-	16 67	16 67
J. D. Cushing,	Berkshire Courier,	-	-	16 67	16 67
Cushing & Bryan,	"	-	-	16 66	16 66

NEWSPAPER ACCOUNTS—Continued.

Name of Proprietor.	Name of Paper.	For Papers.	For Advertising	For Laws.	Total.
E. W. Cobb, -	Nantucket Enquirer, -	-	-	\$33 33	\$33 33
Dutton & Wentworth, -	Evening Transcript, -	\$11 67	\$2 25	-	13 92
W. S. Damrell & Co., -	Christian Reflector, -	8 80	-	-	8 80
James B. Dow, -	" Witness, -	9 40	-	-	9 40
John Milton Earle, -	Massachusetts Spy, -	16 33	-	33 33	49 66
Estey & Evans, -	Worcester County Gazette, -	-	-	16 67	16 67
S. S. Eastman, -	Gazette and Courier, -	4 00	-	16 67	20 67
Andrew Foster, -	Sunday Telegraph, -	7 50	-	-	7 50
E. G. Frothingham, -	Haverhill Gazette, -	4 08	-	-	4 08
J. W. Goodrich, -	Catact, -	3 00	-	16 67	20 75
John Gill, -	Hingham Patriot, -	5 50	-	-	5 50
Hayden & Brewer, -	Boston Atlas, -	446 02	-	-	446 02
Huse, Bragdon & Berry, -	Newburyport Advertiser, -	-	42 96	-	42 96
Enoch Hale, -	" Courier, -	3 00	-	-	3 00
Hildreth & Varney, -	Lowell Advertiser, &c., -	-	-	16 67	22 17
W. A. Hawley, -	Hampshire Gazette, -	10 05	-	50 00	538 98
J. W. D. Hall, -	Taunton Whig, -	1 00	-	16 67	16 67
John B. Hall, -	Advent Herald, -	-	-	16 66	19 66
" " -	Boston Literary Museum, -	-	-	33 33	33 33
" " -	" Pilot, -	-	-	-	10 05
" " -	Barnstable Patriot, -	-	-	-	1 00
" " -	Christian Freeman, -	-	-	-	-
" " -	Cambridge Chronicle, -	-	-	-	-
" " -	Danvers Courier, -	-	-	-	-
" " -	Emancipator, -	-	-	-	-
" " -	Housatonic Mirror, -	-	-	-	-
" " -	Independent Courier, -	-	-	-	-

NEWSPAPER ACCOUNTS—Continued.

Name of Proprietor.	Name of Paper.	For Papers.	For Advertising.	For Laws.	Total.
George Phinney,	Sandwich Observer,	\$2 62	-	\$16 66	\$19 28
H. B. Pratt,	Gospel Standard,	-	-	16 67	16 67
Proprietor of	American Traveller,	103 06	\$2 26	50 00	155 32
"	Boston Daily Advertiser,	197 75	16 33	-	214 08
"	" Whig,	55 50	-	50 00	105 50
"	" Courier,	284 23	28 34	50 01	362 58
"	" Star,	21 35	-	33 33	54 68
"	" Times,	14 05	-	-	14 05
"	Daily and Weekly Eagle,	-	-	33 33	33 33
"	Christian Watchman,	18 43	-	-	18 43
"	Fitchburg Sentinel,	-	-	16 66	16 66
"	Greenfield Democrat,	-	-	16 67	16 67
"	Harbinger,	-	-	16 67	16 67
"	New Bedford Bulletin,	-	5 00	-	5 00
"	Nantucket Warden,	-	-	33 33	33 33
"	New England Washingtonian,	14 96	-	-	14 96
"	Salem Gazette and Essex County Mercury,	24 40	4 00	-	28 40
"	Yarmouth Register,	5 63	-	16 67	22 30
David Reed,	Christian Register,	21 10	-	-	21 10
John S. E. Rogers,	Cape Ann Light,	7 80	-	-	7 80
"	Gloucester Telegraph,	6 80	-	16 67	24 47
B. S. Richardson,	Hampton Washingtonian,	-	-	16 66	16 66
E. G. Robinson,	Norfolk Democrat,	3 60	-	16 67	20 27
Sleeper & Rogers,	Mercantile Journal,	175 42	2 00	16 67	227 42
C. H. Simonds & Co.,	Saturday Rambler,	7 04	-	50 00	7 04
E. H. Safford,	Essex Banner,	67	-	-	17 33
Wm. Schouler,	Lowell Courier,	29 80	5 00	16 66	34 80

J. W. Smith, -	-	-	-	\$1 50	\$3 50	\$16 67	\$21 67
Wm. Stowe, -	-	-	-	3 00	-	33 33	36 33
A. W. Thayer, -	-	-	-	-	-	16 67	16 67
S. J. W. Taber, -	-	-	-	-	-	16 67	16 67
R. R. Taylor, -	-	-	-	7 38	-	33 33	40 71
James Thurber, -	-	-	-	7 33	2 00	16 67	26 00
S. J. Varney, -	-	-	-	-	-	16 66	16 66
White, Potter & Wright, -	-	-	-	29 27	-	33 33	62 60
J. E. Woodbridge, -	-	-	-	37 77	-	-	37 77
Nathl Willis, -	-	-	-	7 54	-	-	7 54
Williams & Brothers, -	-	-	-	12 00	-	33 33	45 33
H. S. Warren, -	-	-	-	1 88	-	-	1 88
Whittemore & Tenney, -	-	-	-	-	-	16 67	16 67
Samuel B. Brooks, -	-	-	-	-	-	16 67	16 67
John F. Barker, -	-	-	-	-	-	16 67	16 67
H. W. Day, -	-	-	-	-	-	16 67	16 67
Geo. Field, -	-	-	-	-	-	16 66	16 66
F. Gleason, -	-	-	-	-	-	16 67	16 67
J. S. Graves, -	-	-	-	-	-	16 67	16 67
S. L. Haven, -	-	-	-	-	-	16 66	16 66
Northampton Courier, -	-	-	-	-	-	-	-
Springfield Gazette, -	-	-	-	-	-	-	-
Hampshire Herald, -	-	-	-	-	-	-	-
Northampton Democrat, -	-	-	-	-	-	-	-
Franklin Democrat, -	-	-	-	-	-	-	-
Old Colony Memorial, -	-	-	-	-	-	-	-
Vox Populi, -	-	-	-	-	-	-	-
Chronotype, -	-	-	-	-	-	-	-
New England Puritan, -	-	-	-	-	-	-	-
Youth's Companion, -	-	-	-	-	-	-	-
Uncle Sam and Yankee, -	-	-	-	-	-	-	-
Concord Freeman, -	-	-	-	-	-	-	-
Palmer Sentinel, -	-	-	-	-	-	-	-
Crier and Advertiser, -	-	-	-	-	-	-	-
Boston Sunbeam, -	-	-	-	-	-	-	-
Musical Visitor, -	-	-	-	-	-	-	-
Manual of Health, -	-	-	-	-	-	-	-
Flag of our Union, -	-	-	-	-	-	-	-
Working-men's Advocate, -	-	-	-	-	-	-	-
Boston Weekly News, -	-	-	-	-	-	-	-
				\$2653 06	\$190 26	\$2033 33	\$4876 65

ROLL OF MISCELLANEOUS ACCOUNTS,

*Audited by the Committee on Accounts, and reported to the House
of Representatives, April 24, 1847.*

Eayrs & Fairbanks, stationery, &c. for		
Senate,	\$108 75	
Do. do. for House,	234 30	
Do. do. for secretary and council,	690 73	
Do. do. for treasury office,	25 25	
Do. do. for adjutant general's office,	171 16	
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	\$1,230 19	
Jones & Wheelwright do. for House,	252 50	
John T. Prince & Co. do. for do.	\$7 25	
Do. do. for Senate,	54 34	
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	61 59	
Charles Stimpson, do. for Senate,	204 61	
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		\$1,748 89
Little & Brown, 1 copy Minot's Digest,	7 00	
Dutton & Wentworth, 1 copy Supplement		
Revised Statutes,	2 75	
James Loring, 18 copies Mass. Registers,	16 20	
O. W. Allen, for twine,	16 88	
J. H. Bufford & Co., engraving, &c. for		
George B. Emerson,	42 07	
J. G. Roberts & Co. for binding,	68 00	
Peter Low, for do. for library,	148 07	
	<hr/>	
		300 97
G. G. Smith, for engraving for Secretary,	15 47	
Charles Hickling, for State maps,	188 50	
J. R. Hodges, for reducing scale of county maps,	318 90	
Charles Calhoun, for copying journals of Senate, &c.	668 00	
Caleb Hayden, for statement of deeds registered in		
Middlesex,	33 00	
J. H. Butler, for statement of amount paid county		
commissioners,	5 00	
James F. Baldwin, per act of April 9, 1836,	37 50	
Nathaniel Greene, for postage for Legislature,	61 18	
E. A. Morse, keeper of jail in Taunton,	12 00	
Brown & Severance, for carriages for governor and		
council,	\$110 58	
N. H. Streeter, for do. for committees,	23 18	
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		133 76
Old South Society, for use of church, elec-		
tion day,	\$20 00	
I. S. Withington, organist, for self, and		
choir,	20 00	
	<hr/>	
		40 00

Ebenezer Shute, for constables, election day,	\$24 25
Lott Pool, for drawing diagrams,	15 00
A. B. Young, for services as architect,	10 00
M. B. Brigham, for washing for state-house,	16 00
Joshua Whittemore, for shoveling snow,	102 69
Leavitt Thaxter, committee on public charitable institutions,	\$12 52
Jason Goulding, do.	10 42
Allen Putnam, do.	11 00
C. Edward Cook, do.	10 71
Ephraim Buck, do.	10 75
George Millard, do.	11 00
Royal Fowler, do.	11 00
	<hr/>
	77 40
James Adams, special police,	3 00
George Crosby, do.	1 50
Charles C. Gregg, do.	1 50
T. F. Hall, do.	1 50
H. C. Henry, do.	1 50
Henry Preble, do.	3 00
George Rayne, do.	3 00
Isaiah Stoddard, do.	4 50
William Snow, do.	3 00
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	22 50
G. B. Wheeler, for incidental repairs of state-house,	782 72
C. W. Haven, for painting and glazing,	195 75
John Templeton, for stone work,	18 12
H. N. Baxter, for putting down carpets, &c.	47 70
T. P. & S. Durant, for upholstery, cushions, &c.	162 77
Parker Fowle & Son, for carpeting,	15 15
B. & E. Jacobs, for linen for curtains,	12 70
P. U. Blunt, for soapstone, &c.	5 07
Bryent & Herman, for stove funnel,	2 81
Gardner Chilson, for repairing ventilators,	2 00
Harris & Stanwood, for lamps,	116 41
Zelotes Hosmer, for lamps,	16 00
Kendall P. Saunders, for wooden ware,	6 26
	<hr/>
	1,383 46
Benjamin Stevens, for balance of his account,	42 80
Do. to pay sundry small bills,	10 00
	<hr/>
	52 80
	<hr/>
	\$5,267 27
Amount of newspaper accounts,	4,876 65
	<hr/>
	\$10,143 92
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ROLL OF PAUPER ACCOUNTS.

[SEE RESOLVE, CHAP. 100, p. 540.]

COUNTY OF SUFFOLK.

Boston, for the support, &c. of State paupers, in House of Industry and Reformation, (burials of paupers and small-pox patients included,) .	\$12,817 70
Chelsea, for the support, &c. of State paupers, .	

COUNTY OF ESSEX.

Amesbury, for the support, &c. of State paupers,		
Andover, do. do. .	\$106	78
Beverly, do. do. .	30	51
Boxford, do. do. .	25	55
Bradford, do. do. .		
Danvers, do. do. .	360	54
Essex, do. do. .	25	55
Georgetown, do. do. .	33	95
Gloucester, do. do. .	129	27
Hamilton, do. do. .		
Haverhill, do. do. .	11	65
Ipswich, do. do. .		
Lynn, do. do. .	239	49
Lynnfield, do. do. .		
Manchester, do. do. .	59	51
Marblehead, do. do. .		
Methuen, do. do. .	57	30
Middleton, do. do. .		
Newbury, do. do. .	65	87
Newburyport, do. do. .	180	85
Rockport, do. do. .	255	15
Rowley, do. do. .		
Salem, do. do. .	1,663	65
Salisbury, do. do. .	52	99
Saugus, do. do. .		
Topsfield, do. do. .	41	37
Wenham, do. do. .		
West Newbury, do. do. .	180	07
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	\$3,520	05

COUNTY OF MIDDLESEX.

Acton,	for the support, &c. of State paupers,		
Ashby,	do.	do.	.
Bedford,	do.	do.	.
Billerica,	do.	do.	.
Boxborough,	do.	do.	.
Brighton,	do.	do.	.
Burlington,	do.	do.	.
Cambridge,	do.	do.	\$1,056 20
Carlisle,	do.	do.	.
Charlestown,	do.	do.	2,937 08
Chelmsford,	do.	do.	18 20
Concord,	do.	do.	46 42
Dracut,	do.	do.	77 97
Dunstable,	do.	do.	.
Framingham,	do.	do.	49 08
Groton,	do.	do.	12 08
Holliston,	do.	do.	42 52
Hopkinton,	do.	do.	6 89
Lexington,	do.	do.	28 79
Lincoln,	do.	do.	.
Littleton,	do.	do.	80 30
Lowell,	do.	do.	2,572 71
Malden,	do.	do.	145 21
Marlborough,	do.	do.	.
Medford,	do.	do.	20 98
Natick,	do.	do.	5 00
Newton,	do.	do.	72 92
Pepperell,	do.	do.	.
Reading,	do.	do.	.
Sherburne,	do.	do.	.
Shirley,	do.	do.	32 42
Somerville,	do.	do.	157 57
South Reading,	do.	do.	.
Stoneham,	do.	do.	25 55
Stow,	do.	do.	.
Sudbury,	do.	do.	.
Tewksbury,	do.	do.	.
Townsend,	do.	do.	.
Tyngsborough,	do.	do.	25 55
Waltham,	do.	do.	45 60
Watertown,	do.	do.	263 83
Wayland,	do.	do.	84
West Cambridge,	do.	do.	26 73
Weston,	do.	do.	25 55
Westford,	do.	do.	.
Wilmington,	do.	do.	.
Woburn,	do.	do.	10 61
			<hr/>
			\$7,786 60

COUNTY OF WORCESTER.

Ashburnham, for the support, &c. of State paupers,			\$30 62
Athol,	do.	do.	20 22
Auburn,	do.	do.	
Barre,	do.	do.	
Berlin,	do.	do.	
Blackstone,	do.	do.	16 17
Bolton,	do.	do.	
Boylston,	do.	do.	
Brookfield,	do.	do.	1 87
Charlton,	do.	do.	14 50
Dana,	do.	do.	54 37
Douglas,	do.	do.	6 88
Dudley,	do.	do.	
Fitchburg,	do.	do.	26 41
Gardner,	do.	do.	
Grafton,	do.	do.	17 24
Hardwick,	do.	do.	
Harvard,	do.	do.	
Holden,	do.	do.	41 93
Hubbardston,	do.	do.	
Lancaster,	do.	do.	19 43
Leicester,	do.	do.	79 91
Leominster,	do.	do.	15 87
Lunenburg,	do.	do.	
Mendon,	do.	do.	10 42
Milford,	do.	do.	33 62
Millbury,	do.	do.	17 28
New Braintree,	do.	do.	5 63
Northboro',	do.	do.	26 84
Northbridge,	do.	do.	11 59
North Brookfield,	do.	do.	47 01
Oakham,	do.	do.	
Oxford,	do.	do.	
Paxton,	do.	do.	
Petersham,	do.	do.	51 10
Phillipston,	do.	do.	30 11
Princeton,	do.	do.	
Royalston,	do.	do.	28 35
Rutland,	do.	do.	24 57
Shrewsbury,	do.	do.	
Southboro',	do.	do.	
Southbridge,	do.	do.	12 81
Spencer,	do.	do.	58 86
Sterling,	do.	do.	
Sturbridge,	do.	do.	25 55
Sutton,	do.	do.	
Templeton,	do.	do.	24 61

Upton,	for the support, &c. of State paupers,	\$11 79
Uxbridge,	do. do. .	61 52
Warren,	do. do. .	9 38
Webster,	do. do. .	126 75
Westboro',	do. do. .	36 55
West Boylston,	do. do. .	
Westminster,	do. do. .	30 45
Winchendon,	do. do. .	
Worcester,	do. do. .	503 28
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		\$1,533 49

COUNTY OF HAMPSHIRE.

Amherst,	for the support, &c. of State paupers,	\$98 01
Belchertown,	do. do. .	25 55
Chesterfield,	do. do. .	
Cummington,	do. do. .	
Easthampton,	do. do. .	32 04
Enfield,	do. do. .	
Goshen,	do. do. .	
Granby,	do. do. .	12 67
Greenwich,	do. do. .	
Hadley,	do. do. .	29 96
Hatfield,	do. do. .	21 28
Middlefield,	do. do. .	41 68
Northampton,	do. do. .	254 95
Norwich,	do. do. .	38 57
Pelham,	do. do. .	
Plainfield,	do. do. .	
Prescott,	do. do. .	
South Hadley,	do. do. .	
Southampton,	do. do. .	56
Ware,	do. do. .	24 70
Westhampton,	do. do. .	35 00
Williamsburg,	do. do. .	
Worthington,	do. do. .	51 10
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		\$666 07

COUNTY OF HAMPDEN.

Blandford,	for the support, &c. of State paupers,	\$51 10
Brimfield,	do. do. .	59 88
Chester,	do. do. .	63
Granville,	do. do. .	
Holland,	do. do. .	
Longmeadow,	do. do. .	
Ludlow,	do. do. .	157 45

PAUPER ACCOUNTS.

Monson,	for the support, &c. of State paupers,	\$80 30
Montgomery,	do. do. .	5 11
Palmer,	do. do. .	88 05
Russell,	do. do. .	23 34
Southwick,	do. do. .	
Springfield,	do. do. .	593 01
Tolland,	do. do. .	
Wales,	do. do. .	13 16
Westfield,	do. do. .	41 52
West Springfield,	do. do. .	23 52
Wilbraham,	do. do. .	25 55

\$1,162 62

COUNTY OF FRANKLIN.

Ashfield,	for the support, &c. of State paupers,	\$28 26
Bernardston,	do. do. .	
Buckland,	do. do. .	
Charlemont,	do. do. .	5 25
Coleraine,	do. do. .	65 70
Conway,	do. do. .	36 82
Deerfield,	do. do. .	32 13
Erving,	do. do. .	2 17
Gill,	do. do. .	
Greenfield,	do. do. .	51 10
Hawley,	do. do. .	
Heath,	do. do. .	
Leyden,	do. do. .	76 65
Leverett,	do. do. .	30 94
Monroe,	do. do. .	
Montague,	do. do. .	
New Salem,	do. do. .	
Northfield,	do. do. .	
Orange,	do. do. .	
Rowe,	do. do. .	
Shelburne,	do. do. .	35 49
Shutesbury,	do. do. .	160 60
Sunderland,	do. do. .	
Warwick,	do. do. .	
Wendell,	do. do. .	
Whately,	do. do. .	25 55

\$550 66

COUNTY OF BERKSHIRE.

Adams,	for the support, &c. of State paupers.	\$196 65
Alford,	do. do. .	
Becket,	do. do. .	93 86

Cheshire, for the support, &c. of State paupers,			\$91 07
Clarksburg, do.	do.	.	
Dalton, do.	do.	.	51 61
Egremont, do.	do.	.	116 80
Florida, do.	do.	.	
Gt. Barrington, do.	do.	.	102 20
Hancock, do.	do.	.	28 49
Hinsdale, do.	do.	.	3 64
Lanesboro', do.	do.	.	124 60
Lee, do.	do.	.	130 72
Lenox, do.	do.	.	94 67
Mt. Washington, do.	do.	.	
New Ashford, do.	do.	.	
New Marlboro', do.	do.	.	29 20
Otis, do.	do.	.	43 57
Peru, do.	do.	.	29 20
Pittsfield, do.	do.	.	180 73
Richmond, do.	do.	.	61 28
Sandisfield, do.	do.	.	11 55
Savoy, do.	do.	.	
Sheffield, do.	do.	.	35 83
Stockbridge, do.	do.	.	69 35
Tyringham, do.	do.	.	34 57
Washington, do.	do.	.	145 05
W. Stockbridge, do.	do.	.	30 94
Williamstown, do.	do.	.	80 07
Windsor, do.	do.	.	
			<hr/>
			\$1,785 65

COUNTY OF NORFOLK.

Bellingham, for the support, &c. of State paupers,			
Braintree, do.	do.	.	\$60 97
Brookline, do.	do.	.	25 55
Canton, do.	do.	.	25 55
Cohasset, do.	do.	.	
Dedham, do.	do.	.	37 49
Dorchester, do.	do.	.	18 23
Dover, do.	do.	.	
Foxboro', do.	do.	.	
Franklin, do.	do.	.	
Medfield, do.	do.	.	
Medway, do.	do.	.	5 35
Milton, do.	do.	.	104 52
Needham, do.	do.	.	30 45
Quincy, do.	do.	.	47 42
Randolph, do.	do.	.	215 15
Roxbury, do.	do.	.	1,298 21
Sharon, do.	do.	.	25 55

Stoughton, for the support, &c. of State paupers,			
Walpole,	do.	do.	
Weymouth,	do.	do.	\$41 96
Wrentham,	do.	do.	10 99
			<hr/>
			\$1,947 39

COUNTY OF BRISTOL.

Attleboro', for the support, &c. of State paupers,			\$5 67
Berkley,	do.	do.	
Dartmouth,	do.	do.	100 21
Dighton,	do.	do.	2 80
Easton,	do.	do.	
Fairhaven,	do.	do.	113 18
Fall River,	do.	do.	1,217 61
Freetown,	do.	do.	
Mansfield,	do.	do.	
New Bedford,	do.	do.	1,206 27
Norton,	do.	do.	
Pawtucket,	do.	do.	157 31
Raynham,	do.	do.	33 88
Rehoboth,	do.	do.	200 94
Seekonk,	do.	do.	77 10
Somerset,	do.	do.	25 55
Swanzy,	do.	do.	76 65
Taunton,	do.	do.	521 53
Westport,	do.	do.	51 10
			<hr/>
			\$3,789 80

COUNTY OF PLYMOUTH.

Abington, for the support, &c. of State paupers.			\$28 00
Bridgewater,	do.	do.	
Carver,	do.	do.	
Duxbury,	do.	do.	33 95
E. Bridgewater,	do.	do.	42 66
Halifax,	do.	do.	
Hanover,	do.	do.	14 60
Hanson,	do.	do.	
Hingham,	do.	do.	2 80
Hull,	do.	do.	
Kingston,	do.	do.	
Marshfield,	do.	do.	
Middleboro',	do.	do.	73 56
N. Bridgewater,	do.	do.	82 84
Pembroke,	do.	do.	92 34
Plymouth,	do.	do.	64 88

Plympton, for the support, &c. of State paupers,			
Rochester, do.	do.	.	\$42 42
Scituate, do.	do.	.	61 20
Wareham, do.	do.	.	51 00
W. Bridgewater, do.	do.	.	10 64
			<hr/>
			\$600 89

COUNTY OF BARNSTABLE.

Barnstable, for the support, &c. of State paupers,			\$5 60
Brewster, do.	do.	.	51 10
Chatham, do.	do.	.	
Dennis, do.	do.	.	14 50
Eastham, do.	do.	.	
Falmouth, do.	do.	.	
Harwich, do.	do.	.	
Orleans, do.	do.	.	25 55
Provincetown, do.	do.	.	
Sandwich, do.	do.	.	37 59
Truro, do.	do.	.	25 55
Wellfleet, do.	do.	.	
Yarmouth, do.	do.	.	
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			\$159 89

DUKES COUNTY.

Chilmark, for the support, &c. of State paupers,			
Edgartown, do.	do.	.	\$13 02
Tisbury, do.	do.	.	
			<hr/>
			\$13 02

COUNTY OF NANTUCKET.

Nantucket, for the support, &c. of State paupers,			\$298 68
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RECAPITULATION.

Suffolk County,	\$12,817 70
Essex, do.	3,520 05
Middlesex do.	7,786 60
Worcester do.	.	.	.	.	1,533 49
Hampshire, do.	.	.	.	.	666 07
Hampden do.	.	.	.	.	1,162 62
Franklin do.	.	.	.	.	550 66

PAUPER ACCOUNTS.

Berkshire County,	.	.	.	.	\$1,785 65
Norfolk, do.	.	.	.	.	1,947 39
Bristol do.	3,789 80
Plymouth do.	600 89
Barnstable do.	159 89
Dukes do.	13 02
Nantucket do.	298 68
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					\$36,632 51
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STATE LUNATIC PAUPERS.

[SEE RESOLVE, CHAP. 101, p. 540.]

County of Suffolk, for the support of 117 State lunatic paupers,	\$9,738 46
County of Essex, for the support of 41 State lunatic paupers,	3,428 42
County of Middlesex, for the support of 35 State lunatic paupers,	2,265 36
County of Worcester, for the support of 2 State lunatic paupers,	205 60
County of Norfolk, for the support of 3 State lunatic paupers,	300 00
State Lunatic Hospital, for the support of 121 State lunatic paupers,	9,126 86
County of Hampden, for the support of 3 State lunatic paupers,	130 51
County of Berkshire, for the support of 2 State lunatic paupers,	200 00
County of Bristol, for the support of 1 State lunatic pauper,	100 00
City of Roxbury, for the support of 5 State lunatic paupers,	314 44
Town of Cummington, for the support of 1 State lunatic pauper,	100 00
Town of Palmer, for the support of 1 State lunatic pauper,	91 14
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	\$26,000 79
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INDIAN RETURNS.

Marshpee, for support of State paupers, &c.,	\$242 62
Herring Pond Plantation, for support of State paupers,	25 55
Gay Head, for support of State paupers,	25 55
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	\$293 72
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INDIAN ACCOUNTS.

Nathaniel Hunt, guardian, for the support of the Dudley Indians in the town of Webster, for the year 1846,	\$135 22
Holder Wadell, agent, for the support of the Fall River Indians, for the year 1846,	287 40
Thomas French, guardian of Punkapoag tribe of Indians,	79 00
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	\$501 62
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SMALL POX PAUPERS.

The town of Dorchester, for the support of Sylvanus Gove,	\$132 61
The town of Charlestown, for the support of Michael McDonald,	39 01
The town of Methuen, for the support of C. B. Grover,	146 72
The city of Cambridge, for the support of Caleb Bryant and Asahel Stephenson,	154 87
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	\$473 21
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CORONERS' ACCOUNTS.

Suffolk County—Jabez Pratt, to April 9, 1847,	\$197 66
Charles Smith, to April 14, 1847,	385 78
William Andrews, to March 3, 1847,	140 70
Essex County—Theodore Andrews, to Dec. 20, 1846,	30 64
John Cook, to Dec. 29, 1846,	5 00
Middlesex County—Thomas Sumner, to March 17, 1847,	18 56
Nathaniel Watson, to Nov. 27, 1846,	13 56
J. B. French, to Dec. 31, 1846,	9 00
Worcester County—Horace Newton, to Sept. 30, 1846,	43 41
Claudius B. Long, to Feb. 2, 1847,	11 00
Sylvanus Harris, to Jan. 4, 1847,	20 10
Norfolk County—Martin Bates, to March 26, 1847,	67 21
Martin Bates, to April 12, 1847,	25 00
Lewis Bass, to Nov. 30, 1846,	86 28

Bristol County—Cromwell Leonard, to Dec. 30, 1846,	\$19 60
David Silvester, to Dec. 30, 1846,	20 15
William Gordon, to Sept. 23, 1846,	11 00
Dukes County—Samuel Keniston, to Nov. 30, 1846,	32 26
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	\$1136 91
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SHERIFFS' ACCOUNTS.

Suffolk County—Joseph Eveleth, to March 18, 1847,	\$42 99
Essex “ Joseph E. Sprague, to Dec. 31, 1846,	31 20
Middlesex “ Samuel Chandler, to Jan. 4, 1847,	101 67
Worcester “ John W. Lincoln, to Jan 1, 1847,	104 02
Hampshire “ S. L. Hinckley, to Jan. 1, 1847,	38 37
Hampden “ C. Rice, to Dec. 31, 1846,	54 05
Franklin “ John Nevers, to Jan. 1, 1847,	46 32
Berkshire “ E. F. Ensign, to Jan. 25, 1847,	90 52
Norfolk “ J. N. E. Mann, to Feb. 11, 1847,	57 88
Bristol “ H. L. Danforth, to Jan. 1, 1847,	84 37
Barnstable “ Nathaniel Hinckley, to March 16,	
1847,	27 59
Plymouth “ Branch Harlow, to Jan. 1, 1847,	78 71
Dukes “ Isaiah D. Pease, to Jan. 27, 1847,	33 65
Nantucket “ E. Starbuck, to Jan. 9, 1847,	39 94
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	\$831 28
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RECAPITULATION.

State Pauper Account,	\$36,632 51
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State Lunatic Paupers,	\$26,000 79
Indian Returns,	293 72
Indian Accounts,	501 62
Small Pox Patients,	473 21
Coroners' Accounts,	1,136 91
Sheriffs' Accounts,	831 28
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	\$29,237 53
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INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 12th, 1847.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, the Secretary, Treasurer, Adjutant General, and Land Agent of the Commonwealth, and attended by a joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

ADDRESS:

*Gentlemen of the Senate and of the
House of Representatives :*

IN the course of events and by the favor of Heaven, the Executive and Legislative branches of the Government of Massachusetts have once more assembled in this Council House of the Commonwealth.

Invested with authority by our constituents, we have come up here to watch over their interests.

Before proceeding to the discharge of our official trusts, let us pause, and render a tribute of gratitude and praise to the Ruler of the Universe for his past mercies, and invoke his wisdom to direct us in our present deliberations.

The finances of the State, always a subject of deep interest to the people, will be shown, by the report of the Treasurer, to be in a satisfactory condition.

The receipts for the year amounted to - - \$563,723 88

The expenditures to - - 555,065 31

The aggregate amount of receipts includes—

Cash on hand 1st January, 1846, - - 7,698 54

Balance of State Tax for 1845, - - 66,606 75

Temporary loans, - - - \$54,000 00

This sum, - - - - \$128,305 29

Deducted from the whole receipts,	-	-	\$563,723 88
Leaves, - - - - -	-	-	\$435,418 59
As the ordinary receipts for the year.			
The amount of the expenditures includes—			
Temporary loans repaid,	-	-	\$90,800 00
5 per cent. stock of 1842 paid in '46,	-	-	37,140 00
Rail-road loans note to Phoenix Bank,	-	-	6,000 00
This sum, - - - - -	-	-	\$133,940 00
Deducted from the whole expenditure,	-	-	555,065 31
Leaves - - - - -	-	-	\$421,125 31
As the ordinary expenditure of the year.			

Showing an excess of ordinary receipts over the expenditures, of \$14,293 28.

This is a very gratifying result, and fully confirms the judgment of the last Legislature, that a State tax would not be necessary to enable the treasury to meet the demands upon it.

The credit of the State is unimpaired. She has never failed to meet her engagements.

With that strict and wise economy, which it is the duty of those who conduct the affairs of the Commonwealth to exercise in relation to the public finances, there seems no good reason to doubt, that the ordinary accruing revenue of the State for years to come, will not only be sufficient to meet the ordinary expenses, but will also enable the Legislature, from time to time, to make appropriations for other important objects, which they may deem worthy of their patronage.

The 5 per cent. stock of 1842 having been paid off, no other debt against the State falls due before 1857. At that time, the scrip issued to pay for the one thousand shares which the Commonwealth took of the Western Rail-road Stock, amounting to a million of dollars, will be due. That stock is now worth par, and is not likely to be of less value at any future time.

The Sinking Fund created to provide for the payment of that debt, and for the annual increase of which one half the amount received from the sales of the public lands in the State of Maine, is set apart, now amounts to \$397,870. At the past ratio of increase, when the debt falls due, it will be more than sufficient to meet it.

The State has heretofore lent its credit to certain rail-road companies, for a little more than \$5,000,000. These roads and their stock are pledged as securities against the liabilities of the Commonwealth. The companies pay the accruing interest on their debts with punctuality; the roads are in fine condition, and in successful operation, and without some unforeseen disasters, there is no probability of the State being called upon to pay one dollar of the principal.

From the reports of the officers, and from personal inspection,

I am satisfied the affairs of the State Prison at Charlestown were never in a better condition than at the present time. The earnings for the last year, fall about five hundred dollars short of the expenses; but this is owing to causes that do not reflect the least discredit upon its economical management. Only seven convicts were released by pardon during the year; yet, at its close, there were fewer inmates than there have been at any period for twenty years past. With the exception of two years, 1820 and 1831, a smaller number were received than in any year since 1812. From December, 1844, to the close of the last year, there were in the prison 430 different persons, and but one death occurred. Within the last four years, no convict has been released on account of ill health. The convenient arrangement and order of the shops, the neatness which pervades every part of the establishment, the quiet and healthy appearance of the prisoners, the very few instances in which personal discipline has been necessary, the general and respectful observance of the rules of the prison, the increasing desire of the prisoners to obtain and read the books from the library, all bear testimony in favor of the competent and faithful Warden, and the other officers who have cheerfully coöperated with him in executing the important duties of their stations. The benefits of a mild and humane treatment towards the unfortunate offenders against the laws of society, are more and more manifest. The credit of this experiment, in our prison, belongs to the present Warden. Thus far, it has been successful.

Whatever difference of opinion may exist among those who are, with ability and zeal, theoretically discussing the comparative merits of the social and solitary systems of prison discipline, for the accomplishment of all the objects sought to be attained by the penitentiary mode of punishment, the present condition of the Massachusetts State Prison must place it very high among similar institutions in this and in other countries.

Since the adjournment of the last Legislature, Dr. Woodward, the Superintendent of the State Lunatic Hospital at Worcester, who took charge of the institution at the commencement of its operations, has retired from that trust, and been succeeded by Dr. Chandler, who, several years ago, was an Assistant Superintendent.

The institution, as conducted by Dr. Woodward, under the general charge of its Trustees, has done great credit to its Superintendent, to the Commonwealth, as its patron, and rendered a most important service to the cause of humanity. Though in thirteen years of hard labor in that noble Hospital, he may have impaired a fine constitution, by that labor, he has erected for himself a monument more durable than marble. Hundreds of men and women "in whose disordered brain reason had lost her way," who have been restored to health and sanity through his instrumentality, will, with their friends, remember him with gratitude. The friends of suffering humanity every where

will honor his memory. The institution itself, whose character he so essentially helped to build up, will shed its light over the path of future generations, when those whose philanthropic hearts originated and set it in motion shall have passed away.

There are now at the Hospital more than three hundred and sixty patients. Its condition is as prosperous as at any former period, and promises, under the management of the present Superintendent, to maintain the high character which it acquired under his predecessor.

For several years past, about thirteen thousand dollars have been annually appropriated for the use of the Indigent Deaf and Dumb and the Blind of the Commonwealth.

There are now, in the American Asylum for the Deaf and Dumb at Hartford, in the State of Connecticut, *fifty-nine*, and in the Massachusetts Asylum for the Blind at South Boston, *forty-three*, beneficiaries of the State reaping the benefit of those appropriations. These are among the noblest charities of modern times. In those liberal provisions which successive Legislatures have made for those solitary children who, from organic obstructions, as well as from pecuniary inability, are deprived of the opportunity of acquiring knowledge, it is shown that the people of Massachusetts are determined that nothing short of positive mental incapacity to receive instruction, shall, so far as they can furnish the means, prevent any class of the children of the Commonwealth from enjoying the blessings of education.

It is believed that the Commonwealth has an interest in, and a title to, certain lands in the Harbor of Boston, known by the name of the Flats. Of the precise location, limits, or value of such lands, I am not informed.

I suggest the propriety of some legislative provision in relation to the subject, with a view of obtaining correct information.

Should it be found that the State owns valuable property of that description, the rapidly increasing population and business of this city may make it the interest of both, that it should be brought into market and disposed of in the most judicious manner.

I am sorry to be obliged to say, that the long-standing and equitable claim of Massachusetts upon the Federal Government, for expenses incurred for the public defence during the war of 1812 with Great Britain, still remains unpaid. Large sums have been paid to other States for similar expenses.

We rest our claim upon the same principles which have led to those payments, and only ask of the United States to deal with us as they have dealt with other States.

Years ago, Congress directed the Secretary of War to audit and adjust the claims of Massachusetts, on the same principles upon which the claims of other States had been settled. He did so, and reported a large balance as due to Massachusetts. A legislative appropriation was necessary to authorize the sum thus found due, to be paid. More than once such an appropria-

tion has passed one branch of Congress, and been defeated in the other.

The Chief Magistrate of the United States has recently held up before the world the conduct of the government of a neighboring republic, in neglecting to pay the claims of his government upon them, as constituting a just cause of war. The common government of the Union over which that Chief Magistrate presides, has, for more than a quarter of a century, delayed the payment to one of the States of that Union, of a claim as just and as well ascertained, as any claim due from the foreign republic whose conduct is so properly censured.

By two acts of Congress, passed in May and June last, the President of the United States is authorized to call for and accept the services of any number of volunteers, not exceeding fifty thousand, as a means of prosecuting the war with Mexico.

In December, I received a communication from the Secretary of War, written by order of the President, calling on the State of Massachusetts, to furnish one infantry regiment of volunteers, to serve during the war with Mexico, under those laws.

In compliance with that call, seven companies have voluntarily enrolled themselves, been organized under the laws of the State, and, at their own request, mustered, or are being mustered, into the service of the United States.

Three other companies have given notice that they have the requisite number, and request to be organized.

When these companies shall be organized and mustered, and shall have chosen their regimental officers, the regiment will be complete.

The measures of the general government during the last two years, and the present posture of our national affairs, are looked upon by the people of the country with great interest. When the tariff act of 1812 was passed, the rates of import duties, under the operation of the compromise act of 1833, had fallen to 20 per cent. With the duties, the revenue of the government had declined, and the business of the country fallen off, until the government was embarrassed for the want of means to meet its ordinary demands, labor lost its accustomed employment, and general derangement and depression pervaded the whole business community. Under this gloomy state of things, both houses of Congress went to work in earnest to provide a remedy. Probably no tariff, or revenue bill, since the origin of our government, ever was prepared with so much care and labor as was the bill of 1842. Its authors took for their guide the principles of the first tariff bill passed under the constitution of the United States, which was framed by the patriot statesmen who made the constitution itself. Their object was to raise a revenue to replenish the exhausted treasury, and to encourage the manufactures, give employment to the labor, and revive the drooping business, of the country. They wished to repair the injury which the operation of a practical free trade

revenue bill had done. The bill of 1842 became the law of the land. Did it accomplish the objects contemplated by its framers?

Its operation is matter of history. Public confidence was soon restored, capital began to be put in requisition, business revived in all its branches, labor was employed and paid, and a prosperity as general and encouraging, as the depression had been extensive and disastrous, spread over the land.

The condition of the country, under the working of that law, was forcibly and truly presented by the President in the commencement of his last annual message. He says, "it is a subject of congratulation, that there has been no period in our past history, when all the elements of national prosperity have been so fully developed;" that "abundance has crowned the toil of the husbandman, and *labor in all its branches is receiving an ample reward.*"

In 1843, the revenue which accrued from imports was only about \$12,000,000. In 1844, which was the first entire fiscal year under the tariff of 1842, the revenue was, in round numbers, twenty-five and three quarter millions; in 1845, twenty-six and three quarter millions, and in 1846, \$26,712,667,—showing a uniformity of receipts under that law, for three successive years, without a parallel in the financial history of our government.

A law thus carefully and wisely framed, and which, by its operation upon the public revenue and upon the business of the community, proved its adaptation to the exigencies of the country, was, at the last session of Congress, upon the recommendation of the President of the United States, repealed. Another law was passed, which went into operation on the first day of December last. In his recent annual message to Congress the President says, "the leading principles established by this law are, to levy the taxes with a view to raise revenue, and to impose them upon the articles imported, according to their actual value." It will be seen that two important principles, which have entered into all former revenue bills, are expunged from this,—namely, the encouragement of the business and labor of the country, and specific duties upon such articles as the nature of the case requires.

This bold innovation upon the policy sanctioned by every President and Congress of the United States, from the time of Washington down to the present incumbent of that high office, struck the laboring and business men of the country with surprise and alarm, and gave the greatest satisfaction to the capitalists and manufacturers of England. The recent demonstrations of public opinion, in many of the States of this Union, are, it cannot be denied, some evidence going to show how this hazardous experiment is regarded by the people of the country.

Twelve months ago we were at peace with the world. More than a generation had passed away since we had been involved in hostilities with a foreign country. The people of this repub-

lic cherished the hope, that the day was far distant when the calamities of war would come upon them. In this they have been disappointed.

At this time the soldiers of the North American republic are in the heart of a neighboring and sister republic, doing the deeds of war. Their march has been triumphant; and in their conflict in arms with their adversaries, they have exhibited a firmness and heroic valor, that would have done honor to the troops of any nation, in any age of the world. Yet their victories have been costly ones. They have dearly purchased their garlands. Into them, the cypress is deeply woven. To say nothing of the desolation and misery which they, as an invading army, have carried among the distracted, misgoverned, and ill-fated people of Mexico, over whose country they have marched with hostile feet, millions of the public treasure have been diverted from the objects of peace, to support them in their progress, and multitudes of their brave companions in arms, officers and soldiers, have been brought to their graves by disease, or fallen in battle.

The voice of widows and orphans, of parents, sisters, and friends, has been heard in wailing, through this peace-loving land. To whom belongs the guilt of this unfortunate war? Could it have been prevented with justice and honor to the two republics?

Are the ephemeral rulers of Mexico, who manifest neither patriotism to their own people, nor a disposition to observe the treaty stipulations of their government with their neighbors, and who appear and disappear, like the characters in a drama, responsible for its commencement, or was it brought on by the acts of our own executive government, and is the spirit of conquest one of its elements? These are grave questions, and ought to be answered. Let that great public who are involved in its consequences, and who must answer for it at the tribunal of public opinion, before the nations of the earth, look into its origin, and its cause, with a candid, just, but unsparing scrutiny. An offensive and unnecessary war is the highest crime which man can commit against society. Appalling indeed will be the account which its guilty authors, wherever they may be found, must render to the injured people of the two countries, and to the Supreme Ruler of the world, for such a war, in this peaceful era, when the spirit of Christianity is diffusing itself over the earth. However men may differ as to its origin or necessity, all must concur in the opinion, that every proper means should be employed to bring it to a speedy termination.

It is too manifest to require an argument that the two important measures of which I have spoken—the revenue bill of 1846, and the war with Mexico—have been produced by, and are the result of, that extraordinary action of the national legislature, by which, in 1844, a foreign republic was brought into this family of States. The tariff bill passed the Senate, by the

votes of the two senators from the State of Texas, irregularly, and, as I believe, unconstitutionally introduced into the Union.

The war grows out of that act, and is, on our part, to vindicate the unascertained and undefined boundary line between Texas and the parent State, of which she had declared herself independent.

The motive which, with such undignified haste, annexed the State of Texas to this republic, gives a profound importance to the subject. That motive appears with much clearness through most of the published public documents in relation to it, though in some parts of them there is an effort to conceal it. But one distinguished public functionary, to whose efficiency its success is more to be attributed, perhaps, than to the efforts of any other man, unwilling to conceal the truth, publicly declared the measure to be necessary to give permanency and security to the institutions of the South. With a manliness and boldness which belong to his character, he proclaimed to the world the reason which led to this great enterprise.

Since the consummation of the act he has reaffirmed this motive under his own hand, and said that its promulgation alarmed the friends of the measure at the South, because it might drive their friends at the North, upon whose aid they relied to carry it, from its support.

Disdaining to attain his object by indirection, he frankly declared it, and although numbers in both houses of Congress, from his own section of country, were constrained by their own sense of the injustice and unconstitutionality of the measure, to vote against it, members enough from the free States were found to vote for it,—to carry it.

Texas was annexed as a slave State, and the overthrow of a protective tariff, and a war with Mexico, have thus far been the consequences. Its extent of territory enough to make five or six other States of a large size. The President, in his message to Congress, "congratulates them on the success which has thus attended our military and naval operations," and says, "we have acquired military possession of a territory larger in extent than that embraced in the original thirteen States of the Union." Are other slave States, carved out of the territory of Texas, or of other foreign territory, acquired by conquest, or by treaty, to be hereafter admitted into this Union?

This is a question upon which the people of the free States, who love the Union, and who intend to stand by and vindicate the glorious constitution, under which they have been prosperous and happy, and under which we have become a great and powerful republic, ought to ponder and reflect with a seriousness and solemnity becoming the magnitude of the subject.

Judging from the past, it is not improbable that it may practically be presented at no distant day. It may, in some form, come before the national representatives, for their decision, during the present session of Congress.

The institution of slavery preceded the existence of the federal constitution. That constitution leaves it, where it found it, a State institution. As a compromise, it did confer political power upon States which held slaves, by reason of their slaves; but was it intended that that power should be extended beyond the States who were parties to that compromise? The people of the free States have always been told, by their brethren of the slave States, that slavery was entirely a State institution, and that the general government had nothing to do with it. It has been conceded that this was the true exposition of the matter. But has it been practically so regarded by the South, when the support or extension of the institution required the action of the federal government?

At the time of the adoption of the constitution of the United States, there were seven free and six slave States. The published opinions of leading statesmen of the South, and other historical facts, go to show that the final extinction of the institution was looked for at no very distant day. So carefully was the constitution formed, that, when that event should take place, not one word or phrase of it would require to be altered, and no expression in it would give notice to posterity, that such an institution ever existed.

In 1784, a committee of the Continental Congress, consisting of Mr. Jefferson, of Virginia, Mr. Chase, of Maryland, and Mr. Howell, of Rhode Island, reported a bill for the temporary government of the Northwest territory of the United States, one provision of which was "that, after the year 1800 of the Christian era, there shall be *neither slavery nor involuntary servitude* in any of the States" to be formed out of said territory. That bill did not become a law. The whole or nearly the whole of that territory had been claimed by the State of Virginia. Previous to this time she had ceded her right to the confederacy. Massachusetts had also claimed a part of said territory, and in April, 1785, she ceded all her right to the confederacy. On the 13th day of July, 1787, Congress passed an ordinance for the government of the territory northwest of the river Ohio; the 5th article of which provides, "that there shall be formed in said territory not less than three nor more than five States;" and the 6th article declares "*there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes.*" The delegates from eight States were present and voted on the final passage of the ordinance; *five of those were slave states, and the vote of every State was unanimous.* Maryland, the other slave State, was absent. The five new States provided for in that ordinance, added to the seven then existing, would make twelve free, to the six slave States, then in the Union.

For a proposition, which was in effect to give to the confederacy twice as many free as slave States, every delegate from the five slave States present gave his vote. Under the consti-

tution of the United States, the ordinance of 1787 is recognized, and is now in full force. It would be doing violence to reason to suppose, for a moment, that, at the time of the passage of the ordinance of 1787, or the adoption of the constitution of 1789, any party to either of those great instruments expected or desired that the time would ever come when, by the acquisition of foreign territory, there should be numerically an ascendancy of slave States in this Union. A proposition looking to such a result could not have been sustained in the convention which made the constitution, and a constitution with such a provision in it could never have received the concurrence of the States. But what is the state of facts which the history of a little more than half a century presents to the world? This Union now consists of twenty-nine States. The original thirteen, six new free, and four new slave States, formed out of the original territory of the United States; one new free and four new slave States, formed out of territory acquired by treaty since the adoption of the constitution, and one foreign slave State admitted into the Union by a joint resolution of Congress—making in all, fourteen free and fifteen slave States. During this progress of things, and the action of the federal government, which has reversed the relation of the free and slave States in point of numbers, our southern brethren have not failed to remind us of the north, that the general government has nothing to do with the subject of slavery or with slaves, and, that to touch either, in any of the districts or territories of the United States, would be a palpable violation of the rights of the south.

The people of the free States have been taught by the action of the national government, invoked by the south to enlarge the limits and give security to the institution of slavery, that that power may be exerted to restrict its limits and abolish its existence in the districts and territories of the United States, taking care not to meddle with it within the territory of a State.

Must they continue forever to lend their aid to the support of an institution, which they believe to be morally and politically wrong, and against which the opinions of mankind are concentrating with the power of a gathering tempest?

Is it not time for them to resolve calmly, but firmly, that they cannot consent to the further extension of slavery, or to the admission of any new slave State into this Union?

No evil could result from such a restriction, more pernicious than from an opposite course.

Massachusetts acknowledges with gratitude the benefits which she, in common with the other States, has derived from the constitution and the Union. She will continue to perform with scrupulous exactness all the obligations enjoined upon her by that constitution, and cling to the Union with an undying constancy and fidelity. Her hand will never be raised to insert or drive the wedge of severance. But she cannot forget, and

ought not to forget, that, under Providence, the important element of her prosperity has been, the ceaseless, diversified and persevering industry of her population. To labor, contrived by the heads and performed by the hands, of her freemen, under the control and influence of her moral, religious, and free institutions, she mainly owes her present character and standing among the States of this confederacy.

On this she must rely for her future weal and success. Our people regard all honest employment as honorable, and look upon idleness among the rich or the poor, as the prolific parent of vice. But labor, to be successful, must be intelligent. Whether standing at the anvil, or following the plough, bending over the last, or moving among the machinery of the cotton or woolen mill, in the quiet retreats of agriculture, or in the mart of commerce; whether toiling upon the land or upon the sea, before the mast of the merchantman, or hurling the harpoon into the whale of the distant Pacific; whether it is intellectual or physical, exerted in the field of science, or in the harvest field, employed in making the telescope in the mechanic's shop, or using it in the observatory, to measure the distance, or to ascertain the position of the stars, to be successful, it must be directed by intelligence. The well-spring of this intelligence is, and always must be found, for the great mass of our population, in the district school-house. There form and direction are given to the character of the *boys*, who are to be the future *men* of the Commonwealth, and to whose keeping will be committed her future destiny.

I cannot forbear to present to your earnest consideration, as I have heretofore presented to the consideration of your predecessors, the important subject of popular education.

This subject should be ever present with the people of the Commonwealth, and with their Legislature. Neither can neglect it without bringing a just reproach upon themselves, and doing injustice to the rising generation.

In the order of Providence, to each succeeding generation of men, is committed the education of the children. This is a high and sacred duty. No generation can perform it but once. It cannot be omitted without guilt.

Among the ancient Spartans, an old man, who had neglected to instruct his sons in some useful employment, was not entitled to receive the respect of the young men of the State when he came into their public assemblies. Standing among them with his head covered with gray hair, no one was bound to rise and give him a seat. In the nineteenth century of the Christian era, what demonstration of reproach would be too emphatic and withering for the young men of Massachusetts to make towards an old man, who, as one of her legislators, had neglected to provide for them the means of instruction in the days of their infancy and childhood? Our predecessors have not incurred the penalty of such a reproach. Colleges, acad-

mies, and common schools, have been cherished and nurtured by them from the earliest period of our history. In this respect, Massachusetts has always held a respectable position among her colonial neighbors and with her sister States. Though she has been mindful of her duty in this matter, much remains yet to be done. Her whole duty will not be performed until every child within her limits shall be made to participate in the benefits, and enjoy the blessings of at least a common school education. The number of indigent foreigners who annually come among us with their families demand our special attention. It gives me pleasure to say, that every year furnishes evidence that our system of education is more and more diffusing its benefits, and advancing towards the object so much to be desired.

The Abstract of the Massachusetts School Returns for the years 1845 and '46, printed under the standing law of the State, makes a volume of 360 pages of important and useful matter. It presents a mass of facts in an official form, with remarks of committees upon the condition and character of the schools, the mode of government, the qualifications of teachers, and the duty of parents, districts, and towns, in relation to the subject of education, of great public interest, and highly creditable to the intelligence, ability, and fidelity of the committees. It should be studied diligently by all school teachers, and could be read with profit by all the citizens of the Commonwealth.

The Board of Education, with no pecuniary reward for their services beyond the payment of their actual expenses, are exerting their best efforts for the improvement of the schools and the spread of knowledge among the children and youth of the State. Three Normal Schools, now in successful operation in different sections of the State, in beautiful and commodious edifices, erected by your authority, and in part by your bounty, are putting forth a most beneficial influence in supplying the districts with competent and well-qualified teachers. Teachers' Institutes, approved by legislative wisdom, and sustained by legislative contributions, are becoming powerful and agreeable auxiliaries in inspiring the young men and women in the different counties with new zeal and energy in the great business of instructing the young.

Justice to a faithful public officer leads me to say, that the indefatigable and accomplished secretary of the Board of Education has performed, and is performing, services in the cause of common schools, which will earn for him the lasting gratitude of the generation to which he belongs. To increase the qualifications and elevate the character of the district school teachers, is an essential object to be gained in this great cause. To this end, better wages and more permanent employment ought to be secured to those who are willing to enter upon the work of instructing. An increasing feeling in the community, that this should be done, is among the encouraging omens of

the times. The action of the Legislature of an enlightened Commonwealth is usually the exponent of the public sentiment on the subjects upon which they act. During the last eight years, one hundred and fifty thousand dollars a year have been expended in this Commonwealth in building and repairing school-houses; making an aggregate, for the eight years, of one million and two hundred thousand dollars. In 1837, the amount paid in the State for teachers' wages, for board and fuel, was less than four hundred thousand dollars. In 1845-6, the sum paid for these objects exceeds six hundred and twenty thousand dollars. For educational purposes, our people expend annually more than a million of dollars. Whether paid in the form of taxes, or by voluntary contributions, nothing could furnish better evidence of a wise and prudent foresight, or of an enlightened philanthropy, than the appropriation of such an amount of money for the purposes of education. No tax could be imposed, and in no manner could so much money be expended, in which every class of people would share so equally in its benefits. The poor receive the priceless treasure of instruction and knowledge which, in their misfortune, they have not the means of acquiring. The rich are amply repaid for all they expend in the protection which the education of the poor secures to them against the depredations of ignorance and of crime. It is the best insurance on property, at the lowest premium. It is the surest guaranty for the safety and morals of a community that can be effected. Whilst it saves the expenses of poor-houses, jails, and penitentiaries, it does what is infinitely more important. It rescues those unfortunate beings who would otherwise have been the inmates of those wretched abodes of fallen and suffering humanity, and elevates them to the true condition of moral, intellectual, and immortal beings. That legislature, or that people, which shall do the most to advance this cause of civilization, patriotism, and Christianity, may expect, what is far more desirable than the loudest and longest applause that ever burst from an excited multitude, the blessing of God, and the blessing of the poor.

*Gentlemen of the Senate and of the
House of Representatives :*

The freemen of the Commonwealth have clothed you with the power of making laws. This is the highest prerogative of human government. It has been said the character of a people is known by their laws.

An acknowledged evil in this country, both in the national and State governments, is too much legislation. It grows, in part, out of the nature of our free institutions. Each successive legislative body is composed, to a great extent, of new members, who are desirous of showing their devotion to their constituents, by doing something which their predecessors have

not done. To accomplish this, new laws, or alterations in existing ones, are proposed. Unless demanded by urgent considerations, both are alike detrimental to the public interest. Laws well known, and with whose practical operations the people have become familiar, though they may not be perfect, are better for a community than perpetual changes. That people are the best governed who have the fewest and plainest laws. All laws should, in their terms, be simple and clear, so that those who are to be bound by them, can easily comprehend and understand their meaning. To apply them to the endless variety of cases that arise among men, is the business of courts of justice. The great object and design of a delegated government, and the principles which are to direct you in your legislative action, are clearly and beautifully spread out in our own State Constitution and Bill of Rights.

Elevating yourselves above all narrow, selfish, and party considerations, I am sure you will enter upon the performance of your official duties with the noble purpose of consulting and advancing the interests of the whole people of the Commonwealth. I shall be ready at all times to concur with you in any measures having that end in view. Having promptly and faithfully fulfilled the high trusts committed to you, I hope the public interest will allow you, at an early day, to meet with and receive the congratulations of your constituents.

M E S S A G E S .

To the House of Representatives :

I herewith transmit, to the Honorable House, for the information of the two branches, the following documents received by me, since the last session of the General Court.

1. Preamble and Resolutions of the Legislature of New Hampshire, relating to the admission of the State of Texas into the Union, and the encroachments of the slave power.

2. Resolutions of the Legislature of New Hampshire, in favor of measures providing for the extinction of slavery in the district of Columbia ; for its exclusion from Oregon, and other territories that now, or at any time hereafter, may belong to the United States :—for the suppression of the domestic slave trade, and for the limitation of the number of slave States.

3. Resolutions of the Legislature of New Hampshire, in relation to the protection of all the great and important departments of our national industry.

4. Resolutions of the Legislature of Michigan, "relating to the leasing of Mineral land," within that State.

5. The annual Reports of the Inspectors, Warden, Chaplain, and Physician of the State Prison.

6. Report of the land agent of the Commonwealth concerning the settlement of the disputed territory question, with the accompanying documents.

7. Report of the agent for discharged convicts.

8. Reports of the commissioner of the district of Marshpee, and of the treasurer of the Herring Pond Indians.

Council Chamber, Jan. 15, 1847.

To the Honorable House of Representatives :

I herewith transmit, for the information and use of the two Houses, the report of the commissioners, appointed under the resolves of the 16th of April, 1846, "for the erection of a State Manual Labor School." I commend this able report to the favorable consideration of the Legislature.

The commissioners state that they have received from a gentleman, who, with a delicacy as remarkable as his munificence, withholds his name from the public, ten thousand dollars, to promote this noble charity. The same liberal and noble-hearted individual offers to pay five or ten thousand dollars more in January, 1848, provided the State will pay the same amount, and provided the commissioners shall be of opinion that such an amount "can be usefully employed for the school." In communicating this report, I deem it necessary only to say to you, in the language of the report itself, that "of the many and valuable institutions sustained in whole, or in part, from the public treasury, we may safely say that none is of more importance, or holds a more intimate connexion with the future prosperity and moral integrity of the community, than one which promises to take neglected, wayward, wandering, idle and vicious boys, with perverse minds and corrupted hearts, and cleanse, and purify, and reform them, and thus send them forth, in the erectness of manhood, and in the beauty of virtue, educated and prepared to be industrious, useful, and virtuous citizens."

Council Chamber, Jan. 15, 1847.

To the House of Representatives :

I transmit to the Honorable House, for the consideration of the Legislature, a communication from the Secretary of the Navy of the United States, respecting a cession to the Federal Government, of jurisdiction over a certain tract of marsh land, situated in the town of Chelsea.

Council Chamber, Jan. 16, 1847.

To the Honorable House of Representatives :

I transmit to you a communication which I have received from a committee of the council for the city of Boston ; also, a printed document relating to the same subject.

The necessity of immediate measures being taken either by the State or national Legislature, or by both, for the preservation of this harbor, is quite apparent.

I submit the subject to your consideration, with the hope that you will do whatever you may be satisfied it is the duty of the State to do, and that you will think it proper in a suitable way to bring the subject to the immediate attention of the Congress of the United States. In addition to the common duty of the general government to look after the harbors of the country, they have a deep interest in the harbor of Boston, arising from the large sums of money which they have heretofore expended on their naval and military establishments within these waters.

Council Chamber, Jan. 16, 1847.

To the House of Representatives :

I transmit herewith, to the Honorable House, for the information of the two branches, the report of the Adjutant General of the Commonwealth, for the last political year.

Council Chamber, Jan. 18, 1847.

To the House of Representatives :

I transmit to the Honorable House, for the information and use of the two branches, a report of the commissioners appointed by virtue of the resolve of 1844, chapter 41, to act in conjunction with commissioners on the part of the State of Rhode Island, in ascertaining or establishing the true boundary line between this Commonwealth and that State, from Pawtucket Falls to Bullock's Neck, together with a joint report of the establishment, by the commissioners of both States, of a line between Burnt Swamp Corner in Wrentham and a monument in Thompson, in the State of Connecticut, agreeably to authority given by the resolve of 1846, chapter 115.

Council Chamber, Jan. 20, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, resolutions of the Legislature of Vermont, relative to slavery and the Mexican War, this day received from the governor of that State.

Council Chamber, Jan. 23, 1847.

To the House of Representatives :

I transmit to the Honorable House, for the information and use of the Legislature, the fourteenth annual report of the trustees of the State Lunatic Hospital at Worcester, with the accompanying documents.

Council Chamber, Jan. 26, 1847.

To the House of Representatives :

I transmit herewith, for the information and use of the Legislature, the report of the commissioners appointed by virtue of the resolves of 1846, chapter 128, to examine the position of the Flats in part of the Harbor of Boston.

Council Chamber, Jan. 26, 1847.

To the Senate and House of Representatives :

The Honorable Senate and House are respectfully informed that Major General Alpheus Nettleton, of the third division of the volunteer militia, has offered his resignation, which has been accepted, and he has been honorably discharged, and that the office of Major General of that division is now vacant.

Council Chamber, Jan. 30, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the use and information of the Legislature, a report of the commissioners appointed under the act of the Legislature of 1846, (chap. 245,) in addition to "an act to incorporate the Eastern Rail-road Company, and to an act to incorporate the proprietors of the Newburyport Bridge." The recommendation, by the commissioners, of further legislation on the subject, is respectfully submitted to the consideration of the Legislature.

Council Chamber, Feb. 3, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the use and information of the Legislature, a report of the commissioners appointed under authority of a resolve of April 16, 1846, "to examine the position of the flats, in the harbor of Boston, between South Boston and the channel, and lying opposite to the wharves on Sea and Broad streets," accompanied by "a plan of the inner harbor of Boston, executed by the United States Coast Survey, for the commissioners.

Council Chamber, Feb. 6, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, Resolutions of the State of Rhode Island and Providence Plantations, received by me this day, relating to the policy of protection for manufacturing industry, the sub-treasury system, the institution of slavery, and the war with Mexico.

Council Chamber, Feb. 17, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, joint resolutions of the General Assembly of the State of Missouri, relating to an alleged invidious distinction between the officers and private soldiers of the army of the United States.

Council Chamber, March 3, 1847.

To the House of Representatives :

I transmit herewith to the Honorable House, for the information and use of the Legislature, a communication from the governor of Virginia, with a preamble and resolves of the General Assembly of that State, relating to the institution of slavery, and its extension into territory acquired by the United States, by conquest or negotiation.

Council Chamber, March 20, 1847.

To the House of Representatives :

I communicate, for the information and use of the Legislature, a "report in part" made by the commissioners appointed under the resolve of the eleventh of April, 1846, "to inquire into the condition of the idiots of the Commonwealth, to ascertain their number, and whether any thing can be done for their relief." Accompanying this report is an interesting document upon the subject of the school for idiots in Paris.

By the terms of the resolve, the commissioners are to make their report to the present Legislature. As they have not been able fully to complete their investigations, I recommend that provision be made for continuing their powers until the next session of the General Court.

The report shows the expense of the commission to be considerable.

Council Chamber, March 31, 1847.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1847.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.
JOHN P. BIGELOW,
CHARLES RUSSELL,
JAS. C. STARKWEATHER,
DANIEL N. DEWEY,
EDMUND P. TILESTON,
JESSE MURDOCK,
JOHN PORTER,
JOHN CHAPMAN,
ABRAHAM R. THOMPSON.

JOHN G. PALFREY, <i>Secretary of the Commonwealth.</i>	
William Tufts, 1st Clerk.	Charles W. Lovett, 2d Clerk.
JOSEPH BARRETT, <i>Treasurer and Receiver General of the Commonwealth.</i>	
Joseph Foster, 1st Clerk.	David Wilder, Jr., 2d Clerk.

SENATE.

WILLIAM B. CALHOUN,
PRESIDENT.

SUFFOLK DISTRICT.

John C. Gray,
Thomas G. Cary,
William T. Eustis.

James Clark,
George T. Bigelow.

ESSEX DISTRICT.

George Hodges,
Dennis Condry,
John W. Lowe,

Jonathan C. Perkins,
James Gregory.

MIDDLESEX DISTRICT.

Thomas Emerson,
Joseph T. Buckingham,
Calvin Shepard,

John A. Knowles,
Hobart Spencer,
David Heard.

WORCESTER DISTRICT.

Stephen Salisbury,
Calvin Willard,
Jason Goulding,

George Denny,
Nahum F. Bryant.

HAMPSHIRE DISTRICT.

Chauncey B. Rising,

Levi Taylor.

FRANKLIN DISTRICT.

Zebina Field,

Joseph Avery.

HAMPDEN DISTRICT.

William B. Calhoun,

Forbes Kyle.

BERKSHIRE DISTRICT.

Thomas A. Bowen,

Samuel A. Hulbut.

NORFOLK DISTRICT.

Samuel Guild,
James Maguire,

Truman Clarke.

PLYMOUTH DISTRICT.

Thomas P. Beal,

Welcome Young.

BRISTOL DISTRICT.

Nathaniel B. Borden,
Ezekiel Sawin,

Silas Shepard.

BARNSTABLE DISTRICT.

Zeno Scudder,

Barnabas Freeman.

NANTUCKET AND DUKES CO. DISTRICT.

Leavitt Thaxter.

CHARLES CALHOUN, *Clerk.*
W. P. GREGG, *Assistant Clerk.*
REV. AUSTIN PHELPS, *Chaplain.*
MILTON HALL, *Doorkeeper.*
TILSON FULLER, *Page.*

HOUSE OF REPRESENTATIVES.

EBENEZER BRADBURY,

SPEAKER.

COUNTY OF SUFFOLK.

Boston,

William T. Andrews,
Joseph Bell,
Albert Bowker,
Asa Brown,
Ephraim Buck,
Lemuel Capen,
Nathaniel W. Coffin,
Charles E. Cook,
George W. Crockett,
F. B. Crowninshield,
Henry Edwards,
Kimball Gibson,
Joel Giles,
John Green, Jr.
William Hayden,
George E. Head,
Sewall Kendall,
George H. Kuhn,
Frederick W. Lincoln, Jr.
Elija Mears,
Caleb Metcalf,
John P. Ober,
William Palfrey,
William Parker,
Henry Plympton,
Benjamin P. Richardson,
Benjamin Seaver,
Charles B. Shaw,
Benjamin Smith,
Thomas Tolman,

Boston,

Samuel Topliff,
 W. R. P. Washburn,
 Fletcher Webster,
 Charles A. Wells,
 William Willett,
 Moses Nowell,

Chelsea,
North Chelsea,

COUNTY OF ESSEX.

Amesbury,
Andover,

William Osgood,
 William Stevens,
 Herman P. Chandler,
 Albert Thorndike,
 John I. Baker,
 William Lowe,

Beverly,

Boxford,
Bradford,
Danvers,

Henry Fowler,
 Elijah W. Upton,

Essex,
Georgetown,
Gloucester,
Hamilton,
Haverhill,
Ipswich,
Lynn,

Bartholomew Ring,

Sylvanus Caldwell,
 George Hood,
 Cyrus Washburn,
 Amos Mower,
 Harris O. Chadwell,

Lynnfield,
Manchester,
Marblehead,
Methuen,
Middleton,
Newbury,
Newburyport,

John Lee,

Oliver White,

Ebenezer Bradbury,
 Caleb Cushing,*
 George Lunt,

Rockport,
Rowley,
Salem,

John Proctor,
 Aaron Perkins,

* Caleb Cushing having resigned, George Lunt was elected to fill the vacancy.

<i>Salem,</i>	Henry Russell, Jr. John S. Williams, Eleazer M. Dalton, Benjamin H. Silsbee, Otis P. Lord,
<i>Salisbury,</i>	
<i>Saugus,</i>	Sewall Boardman,
<i>Topsfield,</i>	Joseph C. Batchelder,
<i>Wenham,</i>	Edmund Kimball, Jr.
<i>West Newbury,</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	Ivory Keyes,
<i>Ashby,</i>	Charles W. Wood,
<i>Ashland,</i>	
<i>Bedford,</i>	
<i>Billerica,</i>	Gardner Parker,
<i>Boxboro',</i>	
<i>Brighton,</i>	Joseph Breck,
<i>Burlington,</i>	
<i>Cambridge,</i>	Samuel Batchelder, John Sargent, John S. Ladd,
<i>Carlisle,</i>	
<i>Charlestown,</i>	Henry P. Fairbanks,
<i>Chelmsford,</i>	
<i>Concord,</i>	Isaac S. Lee,
<i>Dracut,</i>	
<i>Dunstable,</i>	
<i>Framingham,</i>	Charles R. Train,
<i>Groton,</i>	George S. Boutwell,
<i>Holliston,</i>	
<i>Hopkinton,</i>	Samuel B. Walcott,
<i>Lexington,</i>	Sullivan Burbank,
<i>Lincoln,</i>	
<i>Littleton,</i>	
<i>Lowell,</i>	Daniel S. Richardson, Lewis R. Winslow, Joshua Converse,

<i>Lowell,</i>	William Schouler, George A. Butterfield, Ziba Abbott, Arnold Welch, John L. Tripp,
<i>Malden,</i>	
<i>Marlboro',</i>	David Goodale,
<i>Medford,</i>	Gorham Brooks,
<i>Natick,</i>	Aaron W. Sanford,
<i>Newton,</i>	Marshall S. Rice,
<i>Pepperell,</i>	
<i>Reading,</i>	Daniel Pratt,
<i>Sherburne,</i>	
<i>Shirley,</i>	
<i>Somerville,</i>	Edward L. Stevens,
<i>South Reading,</i>	Franklin Poole,
<i>Stoneham,</i>	
<i>Stow,</i>	Edwin Whitney,
<i>Sudbury,</i>	Reuben Haynes,
<i>Tewksbury,</i>	
<i>Townsend,</i>	Levi Warren,
<i>Tyngsboro',</i>	
<i>Waltham,</i>	
<i>Watertown,</i>	
<i>Wayland,</i>	
<i>West Cambridge,</i>	
<i>Westford,</i>	
<i>Weston,</i>	
<i>Wilmington,</i>	John M. Durgin,
<i>Woburn,</i>	

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Nathaniel Richardson,
<i>Athol,</i>	
<i>Auburn,</i>	
<i>Barre,</i>	James W. Jenkins, Jr.
<i>Berlin,</i>	Seth Rice,
<i>Blackstone,</i>	
<i>Bolton,</i>	
<i>Boylston,</i>	

<i>Brookfield,</i>	
<i>Charlton,</i>	
<i>Dana,</i>	Benjamin Richardson,
<i>Douglas,</i>	Jeremiah B. Luther,
<i>Dudley,</i>	
<i>Fitchburg,</i>	Ebenezer Torrey,
<i>Gardner,</i>	Smyrna W. Bancroft,
<i>Grafton,</i>	Esek Saunders,
<i>Hardwick,</i>	Constant Southworth,
<i>Harvard,</i>	
<i>Holden,</i>	Samuel D. Greenwood,
<i>Hubbardston,</i>	
<i>Lancaster,</i>	Joel Wilder, 2d.
<i>Leicester,</i>	Henry A. Denny,
<i>Leominster,</i>	James Burditt,
<i>Lunenburg,</i>	
<i>Mendon,</i>	
<i>Milford,</i>	Waldo C. Perry,
<i>Millbury,</i>	Benjamin Flagg,
<i>New Braintree,</i>	
<i>Northboro',</i>	Caleb Maynard,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	
<i>Oakham,</i>	
<i>Oxford,</i>	Jonas Bacon,
<i>Paxton,</i>	
<i>Petersham,</i>	
<i>Phillipston,</i>	
<i>Princeton,</i>	John Brooks,
<i>Royalston,</i>	
<i>Rutland,</i>	David W. Fletcher,
<i>Shrewsbury,</i>	
<i>Southboro',</i>	Webster Johnson,
<i>Southbridge,</i>	E. D. Ammidown,
<i>Spencer,</i>	Dennis Ward,
<i>Sterling,</i>	Jonas B. Goodnow,
<i>Sturbridge,</i>	George V. Corey,
<i>Sutton,</i>	
<i>Templeton,</i>	John W. Work,
<i>Upton,</i>	
<i>Uxbridge,</i>	

Warren,
Webster,
Westboro',
West Boylston,
Westminster,
Winchendon,
Worcester,

John W. Tenny,
Lawson Harrington,
Addison Lovell,

Alexander H. Bullock,
P. B. Gilbert,
Daniel W. Lincoln.

COUNTY OF HAMPSHIRE.

Amherst,
Belchertown,
Chesterfield,
Cummington,
Easthampton,
Enfield,
Goshen,
Granby,
Greenwich,
Hadley,
Hatfield,
Middlefield,
Northampton,

John Leland,
George B. Woods,

Hiram Steele,

Giles C. Kellogg,

Amos Cone,
Elisha Strong,
William A. Hawley,

Norwich,
Pelham,
Plainfield,
Prescott,
South Hadley,
Southampton,
Ware,
Westhampton,
Williamsburg,
Worthington,

Joseph Carew,
Strong Clark,
Avery Clark,
Asa Parsons,
Erastus Bodman,

COUNTY OF HAMPDEN.

Blandford,
Brimfield,
Chester,
Granville,

Joseph F. Miner,

<i>Holland,</i>	Elbridge G. Fuller,
<i>Longmeadow,</i>	Lorin Burt,
<i>Ludlow,</i>	Artemas H. Whitney,
<i>Monson,</i>	
<i>Montgomery,</i>	
<i>Palmer,</i>	Alonzo V. Blanchard,
<i>Russell,</i>	
<i>Southwick,</i>	Almon H. Barker,
<i>Springfield,</i>	Henry Morris,
	Walter Warriner,
	George Dwight,
	Timothy W. Carter,
	Alfred White,
<i>Tolland,</i>	
<i>Wales,</i>	
<i>Westfield,</i>	Hiram A. Beebe,
	Royal Fowler,
<i>West Springfield,</i>	Edward Parsons,
	Hervey Chapin,
<i>Wilbraham,</i>	

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	
<i>Bernardston,</i>	
<i>Buckland,</i>	
<i>Charlemont,</i>	
<i>Coleraine,</i>	
<i>Conway,</i>	John Clary,
<i>Deerfield,</i>	Sumner Dunlap,
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	Lucius Nims,
<i>Hawley,</i>	
<i>Heath,</i>	
<i>Leverett,</i>	
<i>Leyden,</i>	David Mowry,
<i>Monroe,</i>	
<i>Montague,</i>	Jonathan Hartwell,
<i>New Salem,</i>	Samuel Putnam,
<i>Northfield,</i>	
<i>Orange,</i>	Joel Davis,
<i>Rowe,</i>	

Shelburne,
Shutesbury,
Sunderland,
Warwick,
Wendell,
Whately,

Hardin Hemenway,
 Ira Draper,
 Samuel B. White.

COUNTY OF BERKSHIRE.

Adams,
Alford,
Becket,
Cheshire,
Clarksburg,
Dalton,
Egremont,
Florida,
Great Barrington,
Hancock,
Hinsdale,
Lanesboro',
Lee,
Lenox,
Mt. Washington,
New Ashford,
New Marlboro',
Otis,
Peru,
Pittsfield,
Richmond,
Sandisfield,
Savoy,
Sheffield,
Stockbridge,
Tyringham,
Washington,
West Stockbridge,
Williams'own,
Windsor,

Sylvander Johnson,
 George Millard,
 Roswell Pickett,
 Cyrus Cleveland,
 Henry Dewey,
 Gilbert Munson,
 Rufus L. Mason,
 Charles H. Plunkett,
 Isaac M. Taylor,
 Alanson Thompson,
 Ensign H. Kellogg,
 John V. Barker,
 Richard Ensign,
 John Branning,
 William Mather,
 Henry W. Taft,
 Isaac Latham,
 Henry A. Pierce.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	
<i>Braintree,</i>	Naaman L. White,
<i>Brookline,</i>	
<i>Canton,</i>	
<i>Cohasset,</i>	Solomon J. Beal,
<i>Dedham,</i>	Edward L. Keyes,
<i>Dorchester,</i>	Eleazer J. Bispham,
	Oliver Hall,
<i>Dover,</i>	Ralph Sanger,
<i>Foxboro',</i>	
<i>Franklin,</i>	Shadrach Atwood,
<i>Medfield,</i>	Charles C. Sewall,
<i>Medway,</i>	Warren Lovering,
<i>Milton,</i>	
<i>Needham,</i>	Edgar K. Whitaker,
<i>Quincy,</i>	
<i>Randolph,</i>	Samuel S. Mann,
<i>Roxbury,</i>	Allen Putnam,
	Edward Turner,
<i>Sharon,</i>	Otis Johnson,
<i>Stoughton,</i>	
<i>Walpole,</i>	Francis W. Bird,
<i>Weymouth,</i>	
<i>Wrentham,</i>	Reuben G. Metcalf.

COUNTY OF BRISTOL.

<i>Attleboro',</i>	George Bacon,
	Harvey Claflin,
<i>Berkley,</i>	Ephraim French,
<i>Dartmouth,</i>	Joseph Gifford,
	Benjamin M. Buffington,*
<i>Dighton,</i>	Anthony Shove,
<i>Easton,</i>	Lincoln Drake,
<i>Fairhaven,</i>	Nathaniel Church,
	George Mandell,
<i>Fall River,</i>	David Perkins,
	Benjamin Earl,
	Benjamin W. Miller,

* Died during the session of the Legislature.

*Freetown,
Mansfield,
New Bedford,*

Edmund D. Hathaway,

Abraham H. Howland,
Thomas Kempton,
Willard Nye,
Richard A. Palmer,
Luther Baker,

*Norton,
Pawtucket,
Raynham,
Rehoboth,
Seekonk,
Somerset,
Swanzey,
Taunton,*

William D. Bullock,

Calvin Carpenter,

Jonathan Barney,
Seth Presbury,
Alvan Cobb,
Samuel Haskins,
Perry Davis.

Westport,

COUNTY OF PLYMOUTH.

*Abington,
Bridgewater,
Carver,*

Jenkins Lane,
Spencer Leonard, Jr.
Jesse Murdock,*
John Savery,
Joseph F. Wadsworth,

*Duxbury,
East Bridgewater,
Halifax,
Hanover,
Hanson,
Hingham,
Hull,
Kingston,
Marshfield,
Middleboro',*

Jotham Lincoln,

George Leonard,
Cephas Shaw,
Nahum M. Tribou,
Josiah W. Kingman,

*North Bridgewater,
Pembroke,
Plymouth,*

David Bradford,
James Thurber,

* Jesse Murdock being elected to the Executive Council, John Savery was chosen to fill the vacancy.

Plympton,
Rochester,

Nathan S. Clark,
Solomon K. Eaton,

Scituate,
Wareham,
West Bridgewater,

Benjamin Savery,
Jonathan Copeland.

COUNTY OF BARNSTABLE.

Barnstable,

Thomas B. Lewis,
Samuel A. Wiley,

Brewster,
Chatham,

Albert P. Clark,
Oliver A. Nickerson,

Dennis,
Eastham,

William Howes,

Falmouth,
Harwich,

Samuel P. Crosswell,
Cyrus Weeks,

Orleans,
Provincetown,

Thatcher Snow,

Sandwich,

Freeman B. Dillingham,
Charles Swift,

Truro,
Wellfleet,
Yarmouth,

Ebenezer Davis,
Robert Y. Paine,
Samuel Matthews.

DUKES COUNTY.

Chilmark,
Edgartown,
Tisbury,

Samuel Osborn,
Jonathan Luce, Jr.

COUNTY OF NANTUCKET.

Nantucket,

CHARLES W. STOREY, *Clerk.*

REV. GEORGE RICHARDS, *Chaplain.*

BENJ. STEVENS, *Sergeant-at-Arms.*

CYRUS CHASE, *Messenger to the Governor and Council.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

E. W. PALMER, *Assistant Messenger.*

TIMOTHY HAYES, *Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 10, 1847.

I HEREBY CERTIFY, that the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals in this office.

JOHN G. PALFREY,

Secretary of the Commonwealth.

GENERAL AND SPECIAL

Statutes

OF

MASSACHUSETTS.

1848.

An Act to incorporate the Howard Fire Insurance Company.

Chap. 1.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Oliver M. Whipple, Samuel Lawrence, William Fiske, their associates and successors, are hereby made a corporation, for the term of twenty years from the passage of this act, by the name of the Howard Fire Insurance Company, in the city of Lowell, county of Middlesex, for the purpose of making insurance against losses by fire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Corporation in Lowell to insure against fire for 20 years.

SECTION 2. Said corporation may hold any estate, real, or personal, for the use of said company : *provided*, that the real estate shall not exceed twenty thousand dollars in value, excepting such as may be taken for debt, or held as collateral security for money due to said company.

Estate, real and personal, not exceeding \$20,000.

SECTION 3. The capital stock of said company shall be fifty thousand dollars, with liberty to increase it to an amount not exceeding two hundred thousand dollars : *provided*, that not less than fifty thousand dollars shall be paid in, as capital, within two years from the passage of this act. [Approved by the Governor, Jan. 31, 1848.]

Capital stock \$50,000, may be increased to \$200,000 ; not less than \$50,000 to be paid in within two years.

An Act to increase the Capital Stock of the Lowell Machine Shop.

Chap. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Lowell Machine Shop is hereby authorized to increase its capital stock by adding thereto an amount not

Capital stock may be increased to \$500,000.

exceeding five hundred thousand dollars, and to invest such increase in real and personal estate, as may be necessary and convenient for the purpose for which it has been incorporated. [*Approved by the Governor, Feb. 5, 1848.*]

Chap. 3.

An Act to increase the Capital Stock of the Ballard Vale Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock
may be in-
creased to
\$100,000.

The Ballard Vale Machine Shop are hereby authorized to increase their capital stock by an amount not exceeding one hundred thousand dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. [*Approved by the Governor, Feb. 5, 1848.*]

Chap. 4.

An Act concerning the Registry of Deeds in the town of Monterey.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Monterey set
off to the south-
ern district in
Berkshire
County, for the
registry of
deeds.

SECTION 1. The town of Monterey, in the county of Berkshire, is hereby set off to the southern district in said county, for the registry of deeds, and all deeds, conveyances, and other instruments therein, now required by law to be recorded at Lenox, shall hereafter be recorded in the office for the registry of deeds, at Great Barrington, in said district.

To take effect
on the first day
of May, 1848.

SECTION 2. This act shall take effect on and after the first day of May, in the year of our Lord one thousand eight hundred and forty-eight. [*Approved by the Governor, Feb. 11, 1848.*]

Chap. 5.

An Act to incorporate the Essex Institute.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Essex Historical
Society, and
Essex County
Natural History
Society, to be
united as a cor-
poration, and to
be called the
Essex Institute.

SECTION 1. The members of the Essex Historical Society, and the members of the Essex County Natural History Society, together with such persons as may hereafter associate with them, are hereby made a corporation, by the name of the Essex Institute, with all the powers and privileges, and subject to all the liabilities, contained in the forty-fourth chapter of the Revised Statutes.

May hold real
estate, \$30,000,
and personal,
\$20,000, exclu-
sive of books,
&c.

SECTION 2. Said corporation may hold real estate to the amount of thirty thousand dollars, and personal estate, exclusive of the books, papers, and articles, in the cabinets of said corporation, to the amount of twenty thousand dollars.

Horticulture.

SECTION 3. The Essex Institute shall have for its object the advancement of horticulture, in addition to the objects

for which the Essex Historical Society and the Essex County Natural History Society were incorporated.

SECTION 4. All property now owned by said Essex Historical Society, and said Essex County Natural History Society, and all property that may accrue to either of said societies, shall belong to the Essex Institute.

SECTION 5. All donations and bequests which may have been made to the Essex Historical Society, or to the Essex County Natural History Society, shall accrue to and become the property of the Essex Institute, and shall be devoted to the objects for which such donation or bequest was made.

SECTION 6. The income from the funds of the Essex Historical Society shall be devoted to the objects of the historical department, and the income from the funds of the Essex County Natural History Society shall be devoted to the objects of natural history or horticulture: *provided, however*, if the said corporation shall at any time be in arrears in meeting its current expenses, from the sums received from annual assessments, the income from the historical funds and the income from the Natural History funds shall be applied pro rata to meet the deficiency.

SECTION 7. The treasurer shall keep separate accounts of the funds which belonged to the Essex Historical Society, and to the Essex County Natural History Society, under the direction of a finance committee, to be appointed at the annual meeting.

SECTION 8. The library and cabinets of said corporation shall be kept in the city of Salem.

SECTION 9. The Essex Institute shall be liable for all the debts due from the Essex Historical Society and from the Essex County Natural History Society.

SECTION 10. The president of the Essex Historical Society, or the president of the Essex County Natural History Society, is hereby authorized to notify the first meeting of the Essex Institute by an advertisement thereof, under his hand, for seven days before such meeting, in any newspaper printed in the city of Salem.

SECTION 11. This act shall take effect from and after its adoption by the Essex Historical Society, and the Essex County Natural History Society, at meetings of the two societies held for that purpose; and all acts inconsistent with this act shall, after the adoption hereof, be considered as repealed. [*Approved by the Governor, Feb. 11, 1848.*]

All the property of the Historical Society, and of the Natural History Society, to belong to the Essex Institute.

All donations and bequests, which have been made to the two societies, to accrue to the institute.

Disposition of the income of the funds of the two societies respectively.

Provided, &c.

Separate accounts to be kept of the funds of the two societies.

Library to be kept in Salem.

The institute to be liable for all the debts of the two societies.

First meeting of the institute, how to be called.

This act to take effect after its adoption by the two societies.

An Act to incorporate the Stoneham Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Aaron H. Safford, Amos Hazeltine and Benjamin F. Brooks, their associates and successors, are hereby

Chap. 6.

Corporation in Stoneham to manufacture cotton goods.

made a corporation by the name of the Stoneham Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Stoneham, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$200,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars. [Approved by the Governor, Feb. 11, 1848.]

Chap. 7.

An Act to incorporate the Lancaster Quilt Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To manufacture counterpanes, quilts, &c. in Lancaster.

SECTION 1. John Lamson, William P. Barnard, George Seaver, their associates and successors, are hereby made a corporation by the name of the Lancaster Quilt Company, for the purpose of manufacturing petticoat robes, toilet covers, and the various descriptions of counterpanes, quilts, and bed-covers, and all work connected with this branch of business, and also any other description of cotton goods, in the town of Lancaster, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal estate, not to exceed \$200,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars. [Approved by the Governor, Feb. 11, 1848.]

Chap. 8.

An Act to incorporate the Springfield Car and Engine Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For the manufacture of cars, steam-engines, &c., in Springfield.

SECTION 1. Osgood Bradley, Amasa Stone, Jr., and Azariah Boody, their associates and successors, are hereby made a corporation by the name of the Springfield Car and Engine Company, for the purpose of manufacturing cars, steam-engines, and other machinery, in the town of Springfield, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal estate, not exceeding \$150,000, capital stock not to exceed \$250,000.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate not exceeding in value one hundred and fifty thousand dollars; and the whole capital stock of said company shall not exceed two hundred and fifty thousand dollars.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 11, 1848.]

An Act to increase the number of the Justices of the Supreme Judicial Court.

Chap. 9.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The number of Justices of the Supreme Judicial Court shall be five, instead of four, as now provided by law.

Five justices of the S. J. Court.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 11, 1848.]

An Act in addition to "An Act to establish Teachers' Institutes."

Chap. 10.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever reasonable assurance shall be given to the Board of Education, that a number, not less than fifty teachers of common schools, shall desire to assemble for the purpose of forming a Teachers' Institute according to the ninety-ninth chapter of the statutes of the year eighteen hundred and forty-six, the Board of Education shall appoint a time and place for said meeting, in manner and form as is prescribed in the act aforesaid.

Teachers' Institutes to be held on the application of fifty teachers of common schools.

SECTION 2. Any thing contained in the act aforesaid, contrary to the provisions of this act, is hereby repealed. [Approved by the Governor, Feb. 11, 1848.]

An Act relating to the Charlestown Female Seminary.

Chap. 11.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Trustees of the Charlestown Female Seminary, are hereby authorized to hold real estate not exceeding thirty thousand dollars in value, to be devoted exclusively to the purposes of education; any restriction in the "Act to incorporate the Trustees of the Charlestown Female Seminary," passed on the first day of March, in the year one thousand eight hundred and thirty-three, to the contrary, notwithstanding.

The trustees of the Charlestown Female Seminary may hold real estate not exceeding \$30,000.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 14, 1848.]

An Act to repeal "An Act to prevent the destruction of fish in the several ponds in the town of Haverhill."

Chap. 12.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. An Act entitled "An Act to prevent the destruction of fish, in the several ponds in the town of Haverhill," passed on the seventh day of February, in the year

Act repealed.

Provided, &c.

No release of liability under the act repealed.

No former act on the same subject to be revived.

one thousand eight hundred and twenty, is hereby repealed: *provided*, that nothing contained in this act shall be so construed as to release or absolve any person or persons from any liability incurred under, or by any provision of, the act hereby repealed.

SECTION 2. This act shall not have the effect to revive any statute law relating to the subject of the act hereby repealed, and which may have been in force prior to the passage of the said repealed act.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 14, 1848.*]

Chap. 13. An Act to extend the time for locating and constructing the Peterborough and Shirley Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Time for filing location of road extended to March 22d, 1850.
Time for completion of one track of the road extended to March 22d, 1852.

SECTION 1. The time fixed for filing the location, and for constructing the railroad specified in the sixth section of an act entitled "An Act to incorporate the Peterborough and Shirley Railroad Company," approved on the twenty-second day of March, in the year one thousand eight hundred and forty-five, is hereby extended beyond the time specified therein, for the further period of two years.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 14, 1848.*]

Chap. 14. An Act to change the name of the Lowell and Andover Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Lowell and Andover Railroad Co. to take the name of Lowell and Lawrence Railroad Co.

From and after the passage of this act, the Lowell and Andover Railroad Company shall take, and be known by, the name of the Lowell and Lawrence Railroad Company. [*Approved by the Governor, Feb. 15, 1848.*]

Chap. 15. An Act to incorporate Glasgow Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

For the manufacture of cotton, woolen, worsted, and silk goods, in South Hadley.

SECTION 1. William Bowdoin, Charles Peck, and George M. Atwater, their associates and successors, are hereby made a corporation by the name of Glasgow Company, for the purpose of manufacturing cotton, woolen, worsted, or silk goods, severally or unitedly, at South Hadley, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$100,000 in value,

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thou-

sand dollars, and the whole capital stock of said company shall not exceed three hundred thousand dollars.

capital stock
not to exceed
\$300,000.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 16, 1848.]

An Act to establish an additional District, for the administration of Criminal Law.

Chap. 16.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. For the administration of the criminal law in this Commonwealth, the county of Essex shall constitute a separate district, which shall be the Eastern District.

Essex Co. a
separate dis-
trict for trial of
criminals.

SECTION 2. The governor, with the advice and consent of the council, shall appoint some suitable person, who shall reside in the district, to be District Attorney for the Eastern District, who shall perform the like duties therein, as are required, by law, to be performed by the other district attorneys in their respective districts, and whose tenure of office shall be the same as that of other district attorneys.

Governor and
council to ap-
point an attor-
ney for the dis-
trict.

SECTION 3. The District Attorney, for the Eastern District, shall receive an annual salary of eight hundred dollars, to be paid to him, out of the treasury of the Commonwealth, in equal quarterly payments, in full for all services rendered by him.

Salary, \$800.

SECTION 4. All acts, or parts of acts, inconsistent herewith, are hereby repealed. [Approved by the Governor, Feb. 16, 1848.]

Repeal of in-
consistent acts.

An Act to increase the capital stock of the Middlesex Company.

Chap. 17.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Middlesex Company are hereby authorized to increase their capital stock by adding thereto an amount not exceeding four hundred and fifty thousand dollars, and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which they have been incorporated. [Approved by the Governor, Feb. 17, 1848.]

To increase
capital stock by
an addition not
to exceed
\$450,000, and to
invest in real es-
tate as much as
may be necessa-
ry.

An Act to incorporate the Lenox Iron Works.

Chap. 18.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Oliver Peck, William A. Phelps, James Collins, their associates and successors, are hereby made a corporation by the name of the Lenox Iron Works, for the purpose of making pig and manufacturing iron in the town of Lenox; and for this purpose shall have all the powers

To make pig
and manufac-
ture iron in
Lenox.

and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal estate, not to exceed \$200,000.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real and personal estate not exceeding in value two hundred thousand dollars. [*Approved by the Governor, Feb. 19, 1848.*]

Chap. 19. An Act to extend the time for locating and completing the Cape Cod Branch Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for locating the road extended to April 8, 1849.

Time for completing one track extended to April 8, 1849.

When to take effect.

SECTION 1. The time fixed for locating and completing the railroad specified in the ninth section of an act entitled, "An act to incorporate the Cape Cod Branch Railroad Company," approved on the eighth day of April, in the year one thousand eight hundred and forty-six, is hereby extended beyond the time therein specified, for the further time of one year.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 19, 1848.*]

Chap. 20. An Act to incorporate the Sylvic Gas Light Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To manufacture gas, and apparatus for gas, in Boston.

SECTION 1. Benjamin F. Coston, A. Thomas Smith, Ambrose Lovis, their associates and successors, are hereby made a corporation, for the purpose of manufacturing, in the city of Boston, gas, and apparatus for generating gas, from rosin, or other substances, under the name of the Sylvic Gas Light Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate, \$50,000.
Capital stock not to exceed \$200,000.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate, to the value of fifty thousand dollars; and the whole capital stock of said company shall not exceed two hundred thousand dollars. [*Approved by the Governor, Feb. 23, 1848.*]

Chap. 21. An Act to incorporate the North Adams Marble and Lime Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To quarry and finish marble, and manufacture lime, in Adams.

SECTION 1. William McAuley, James E. Marshall, William E. Brayton, their associates and successors, are hereby made a corporation, by the name of the North Adams Marble and Lime Company, for the purposes of quarrying and finishing marble, and manufacturing lime, in the town

of Adams, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, Feb. 23, 1848.]

Estate, real and personal, not to exceed \$100,000.

An Act to continue in force "An Act to incorporate the Middlesex Mutual Fire Insurance Company."

Chap. 22.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Act to incorporate the Middlesex Mutual Fire Insurance Company, passed on the third day of March, in the year one thousand eight hundred and twenty-six, shall be and remain in force for the term of twenty-eight years, from the third day of March, in the year one thousand eight hundred and fifty-four; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes subsequently passed, relating to mutual fire insurance companies. [Approved by the Governor, Feb. 23, 1848.]

The Middlesex Mutual Fire Insurance Company, to continue a corporation, until March 3, 1882.

An Act to incorporate the American Peace Society.

Chap. 23.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel Greele, John Tappan, Simon Greenleaf, their associates and successors, are hereby made a corporation, by the name of the American Peace society, for the promotion of universal peace, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Incorporation to promote universal peace.

SECTION 2. The said corporation may take and hold real and personal estate, the net annual income of which shall not exceed the sum of three thousand dollars. [Approved by the Governor, Feb. 24, 1848.]

Estate, real and personal, not to exceed \$3,000, net annual income.

An Act to incorporate the Merchants Mutual Marine Insurance Company.

Chap. 24.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Macy, Matthew Starbuck, Charles G. Coffin, their associates and successors, and all persons who shall become holders of policies of the associates here-

Incorporation to make maritime loans and insurance

against maritime losses, on the mutual principle, in Nantucket, for 20 years.

after, are hereby made a corporation, by the name of the Merchants Mutual Marine Insurance Company, to be established in the town of Nantucket, for the purpose of making maritime loans, and insurance against maritime losses, on the principle of a mutual insurance company; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, so far as the same are applicable to the corporation hereby created, to continue for the term of twenty years, and until all risks then outstanding shall terminate and be adjusted.

No liability beyond the premium paid or secured.

SECTION 2. No person effecting insurance with said company, shall be liable in any court, beyond the premium paid by him or secured to be paid.

No policy to issue, until insurance for \$500,000 be applied for.

SECTION 3. No policy shall be issued by said company, until application shall have been made for insurance for the sum of five hundred thousand dollars.

Investments. No division until over \$250,000 in amount.

SECTION 4. All sums received by or remaining with said company, shall be invested in such stocks or securities as are now permitted by law for investments by insurance companies, and no division thereof shall be made among the stockholders until the same shall exceed the sum of two hundred and fifty thousand dollars; and when it shall exceed that sum, the surplus may be divided among the parties legally entitled thereto; and in making such division, the assured of the first year, or their legal representatives, shall be first paid, and then those of the second year, and in this order from year to year; and the assured of any particular year shall be paid ratably and without preference. [Approved by the Governor, Feb. 24, 1848.]

How the surplus over \$250,000 may be divided.

Chap. 25.

An Act to incorporate the Hardwick Steam Mill Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporation for sawing and manufacturing lumber, &c., and furnishing steam-power for manufacturing purposes in Hardwick.

SECTION 1. Joseph Stone, William Mixer, John Paige, their associates and successors, are hereby made a corporation, by the name of the Hardwick Steam Mill Company, for the purpose of pressing palm-leaf hats, sawing and manufacturing lumber, grinding grain and plaster, and furnishing steam-power for manufacturing and mechanical purposes, in the town of Hardwick, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$25,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding, in amount, twenty-five thousand dollars. [Approved by the Governor, Feb. 24, 1848.]

An Act to incorporate the New England Car Company.

Chap. 26.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Fowler M. Ray, Edward Crane, their associates and successors, are hereby made a corporation, by the name of the New England Car Company, for the purpose of manufacturing wheels, trucks, springs, cars, and other carriages, to be used upon railroads, including the making of any and every part thereof, from the raw material or otherwise, with the right to build, hold, and maintain, suitable buildings and machinery for the purpose, and to carry on the said manufactory in or near the city of Cambridge or Charlestown, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation for the manufacture of cars, and other carriages, for railroads, &c., in or near Charlestown or Cambridge.

SECTION 2. The said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding the sum of two hundred thousand dollars.

Estate, real and personal, not to exceed \$200,000.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, Feb. 24, 1848.]

When to take effect.

An Act to incorporate the Greylock Iron Works.

Chap. 27.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Lyman C. Thayer, Jabez Hall, and Samuel Gaylord, their associates and successors, are hereby made a corporation, by the name of the Greylock Iron Works, for the purpose of refining and manufacturing wrought iron, in the town of Adams, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation for refining, &c., wrought iron in Adams.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate, to an amount not exceeding one hundred thousand dollars. [Approved by the Governor, Feb. 24, 1848.]

Estate, real and personal, not exceeding \$100,000.

An Act in addition to "An Act to establish a Fire Department in the town of Danvers."

Chap. 28.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The third section of an act to establish a fire department in the town of Danvers, passed on the twelfth day of March, in the year one thousand eight hundred and thirty, is hereby so far amended as to authorize

Fire-wards in Danvers to determine the number of men for each engine, but not to ex-

ceed the number authorized by law.

the fire-wards of said town to determine the number of men which shall be attached to each engine : *provided*, that the whole number of men in the department shall not exceed the number allowed by the provisions of said act.

Repeal of inconsistent provisions.

SECTION 2. So much of the said act as is inconsistent herewith is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 28, 1848.*]

Chap. 29.

An Act to provide for the instruction of Prisoners in Jails and Houses of Correction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

County commissioners to provide moral and religious instruction for all prisoners, &c., in their respective counties.

SECTION 1. The county commissioners of the several counties in this Commonwealth are hereby authorized, at their discretion, and at the expense of their respective counties, to provide moral and religious instruction for the prisoners confined in the jails and houses of correction of their respective counties.

The inspectors to make return of expense incurred under this act.

SECTION 2. The inspectors of prisons in the several counties shall cause to be transmitted, in their annual returns to the governor, a statement of the expense incurred in carrying this act into effect in their respective counties.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 28, 1848.*]

Chap. 30.

An Act in addition to "An Act to incorporate the Proprietors of the Round Hill Institution."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To take the name of the Round Hill Water Cure Retreat.

SECTION 1. The proprietors of the Round Hill Institution may take, and shall hereafter be known by, the name of the Round Hill Water Cure Retreat.

Business, that of a hospital for invalids.

SECTION 2. The business and purposes of said corporation shall be such as are appropriate to a hospital, or retreat, for invalids and others.

Inconsistent provisions repealed.

SECTION 3. So much of an act entitled "An Act to incorporate the Proprietors of the Round Hill Institution," passed on the eighteenth day of February, in the year one thousand eight hundred and twenty-nine, as is inconsistent herewith, is hereby repealed. [*Approved by the Governor, Feb. 28, 1848.*]

Chap. 31.

An Act to increase the capital stock of the Agawam Canal Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To increase capital stock by

The Agawam Canal Company are hereby authorized to

increase their capital stock by adding thereto three hundred thousand dollars; and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which they have been incorporated. [*Approved by the Governor, Feb. 28, 1848.*]

adding
\$300,000 there-
to; part may be
invested in real
estate.

An Act to establish the City of Worcester.

Chap. 32.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The inhabitants of the town of Worcester shall continue to be a body politic and corporate, under the name of the city of Worcester, and, as such, shall have, exercise, and enjoy, all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to, said town as a municipal corporation.

Worcester to be
a city.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer, to be styled the mayor; one council of eight, to be called the board of aldermen; and one council of twenty-four, to be called the common council; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

A mayor, 8 al-
dermen, and
24 common
councilmen.

No compensa-
tion to members
of either board.

SECTION 3. It shall be the duty of the selectmen of the town of Worcester, as soon as may be after the passage of this act, and its acceptance by the inhabitants, as herein-after provided, to divide said town into eight wards, to contain, as nearly as may be conveniently, an equal number of inhabitants. And it shall be the duty of the city council, once in five years, and not oftener, to revise, and, if it be needful, to alter said wards, in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward, having due regard to convenience in other respects.

Selectmen to
divide the town
into eight
wards.

A revision
every five years.

SECTION 4. On the first Monday in March, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings. And if, at any such meeting, the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until

Elections, quali-
fications, and
duties, of war-
den, clerk,
and inspectors.

a warden *pro tempore* shall be chosen by ballot. And if, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, assorting, and counting, the votes. And the warden, clerk, and inspectors, so chosen, shall respectively make oath faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Worcester. A certificate that the oath has been taken shall be entered upon the records of the ward, by the clerk thereof. All warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed, and returned, in such manner, and at such time, as the city council may, by any by-law, direct.

Their oath.

Warrants for ward and city meetings.

Mayor, aldermen, and common councilmen, their election, duties, and term of office.

Mayor to hold office till a successor is elected; and the aldermen, until a majority of a new board is elected.

Proceedings at meetings for elections.

Certificates of election to common councilmen.

SECTION 5. The mayor and eight aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city, at large, voting in their respective wards. And three common councilmen shall be elected, from and by the voters of each ward, and shall, at the time of their election, be residents of the wards, respectively, in which they are elected. All said officers shall be chosen by ballot. The common councilmen shall hold their offices for one year from the first Monday in April in each year. The aldermen shall hold their offices until a majority of the new board shall be elected and qualified in their places; and the mayor shall continue in office until another shall be elected and qualified in his place.

SECTION 6. On the first Monday in March, annually, immediately after a warden, clerk, and inspectors shall have been elected and sworn, the qualified voters, in each ward, shall give in their votes for mayor, aldermen, and common councilmen, as provided in the preceding section: all the votes so given shall be assorted, counted, declared, and recorded, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record, at length. The clerk of the ward, within twenty-four hours after such election, shall deliver, to the persons elected members of the common council, certificates of their elections, respectively, signed by the warden and clerk; and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections, certified in like manner.

Provided, however, that if the choice of members of the common council shall not be effected on that day, in any ward, the meeting in such ward may be adjourned, from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor to be notified, in writing, of his election; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had, in all respects, as are hereinbefore provided for the choice of mayor, and, from time to time, shall be repeated, until a mayor shall be chosen, and shall accept said office.

Proviso, in case of no election.

Mayor, how notified.

Case of no choice.

In case of the decease, resignation, or absence, of the mayor, or of his inability to perform the duties of his office, it shall be the duty of the board of aldermen and the common council, respectively, by vote, to declare that a vacancy exists, and the cause thereof; and, thereupon, the two boards shall meet in convention, and elect a mayor to fill such vacancy, and the mayor, thus elected, shall hold his office until the inability causing such vacancy shall be removed, or until a new election. If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore provided, in regard to the choice of mayor. Each alderman shall be notified in writing of his election, by the mayor and aldermen for the time being.

Case of vacancy.

Proceedings in the election of aldermen.

Aldermen elect, how notified.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Worcester.

Oath of office to mayor;

The aldermen and common councilmen elect shall, on the first Monday of April, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or any justice of the peace for the county of Worcester, and a certificate of such oath having been taken shall be entered on the journal of the mayor and aldermen, and of the common council, by their respective clerks.

to aldermen and common councilmen.

And whenever it shall appear that a mayor has not been elected previously to the first Monday of April aforesaid, the mayor and aldermen, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention, to be holden as aforesaid.

Record, &c., on failure to elect a mayor.

After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices respectively during the pleasure of the common

Common council, how organized.

council ; the clerk to be under oath faithfully to perform the duties of his said office.

When mayor elect is absent at the time of organizing.

In case of the absence of the mayor elect on the first Monday of April, or if a mayor shall not then have been elected, the city government shall organize itself in the manner hereinbefore provided, and may proceed to business in the same manner as if the mayor were present ; and the oath of office may, at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization.

Mayor pro tem.

In the absence of the mayor, the board of aldermen may choose a presiding officer, *pro tempore*, who shall also preside at joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the elections of its own members : and in case of failure of election, or in case of vacancy, declared by either board, the mayor and aldermen shall issue their warrants for a new election.

Duties of mayor.

SECTION 7. The mayor shall be the chief executive officer of the city. It shall be his duty to be vigilant and active in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers. And he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination.

He may call special meetings of the boards of aldermen and common council, or either of them, when, in his opinion, the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures, as the business and interests of the city may, in his opinion, require.

He shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only.

Salary of mayor.

The salary of the mayor, for the first year in which this charter shall take effect, shall be eight hundred dollars, and no more. His salary shall afterwards be fixed by the city council, and made payable at stated periods, but shall not at any time exceed twelve hundred dollars, nor shall it be increased or diminished during the year for which he is chosen ; and he shall have no other compensation : *provided, however*, that the city council shall have power to appoint the mayor commissioner of highways, when, in

May be commissioner of highways.

their opinion, such an office shall become necessary, and allow him a suitable compensation therefor.

SECTION 8. The executive power of said city generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Worcester, shall be vested in, and may be exercised by, the mayor and aldermen, as fully as if the same were herein specially enumerated.

Executive power of mayor and aldermen.

The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, and a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. And the mayor and aldermen may require any person, who may be appointed marshal or constable of the city, to give bonds for the faithful discharge of the duties of the office, with such security, and to such amount, as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had, as are by law provided in case of constables' bonds taken by the selectmen of towns.

Their power of appointment and removal.

May require bonds.

The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a treasurer and collector of taxes, a chief engineer, a city clerk, and three assessors of taxes, and fix their compensations. They shall also, in such manner as they shall determine, appoint or elect all other subordinate officers, for whose election or appointment other provision is not herein made, define their duties, and fix their compensations.

Officers to be elected by city council.

All sittings of the mayor and aldermen, of the common council, and of the city council, shall be public, when they are not engaged in executive business.

The city council shall take care that no money be paid from the treasury, unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody, or disbursement of money. The mayor and aldermen shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let or to sell what may be legally sold, and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the mayor and aldermen shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debts.

Payments from the treasury, how guarded by the city council.

Mayor and aldermen to have the care of city buildings, and management of all city property.

To publish annually an account of receipts and expenditures, &c.

SECTION 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being sub-

Mayor to nominate, &c.

Exception. ject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of such appointment, shall be a member of the board of aldermen, or of the common council.

City clerk, also clerk to board of aldermen. SECTION 10. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Worcester. He shall be chosen for one year, and until another shall be chosen and qualified in his place, but may, at any time, be removed by the city council. He shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, papers, documents, or other things, held by him in his capacity of city clerk.

Overseers of the poor. SECTION 11. The qualified voters of each ward, at their respective annual ward meetings for the choice of officers, shall elect, by ballot, one person in each ward, who shall be a resident of said ward, to be an overseer of the poor; and the persons thus chosen, together with the mayor, shall constitute the board of overseers of the poor; and shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor of the town of Worcester.

School committee. And the qualified voters shall, at the same time and in like manner, elect three persons in each ward, who shall be residents of the ward, to be members of the school committee; and the persons thus chosen, together with the mayor, shall constitute the school committee, and have the care and superintendence of the public schools; and all the rights and obligations of the said town of Worcester in relation to the grant and appropriation of money to the support of schools, and the special powers and authority heretofore conferred, by law, upon the inhabitants of the centre school district in said town, to raise money for the support of schools in said district, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation. And all grants and appropriations of money, for the support of schools and the erection and repair of schoolhouses, in said city, shall be made by the city government, in the same manner as grants and appropriations are made for other city purposes.

Power of centre district in regard to schools merged. The qualified voters shall, at the same time and in like manner, elect one person in each ward, who shall be a resident of said ward, to be an assistant assessor; and it shall be the duty of the persons so chosen to furnish the assessors with all necessary information relative to persons and prop-

Assistant assessors.

erty taxable in their respective wards; and they shall be sworn to the faithful performance of their duty.

And the persons to be chosen by the city council, as assessors, shall constitute the board of assessors, and shall exercise the powers, and be subject to the duties and liabilities, of assessors in towns. Assessors.

All taxes shall be assessed, apportioned, and collected, in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. Taxes.

Should there fail to be a choice of overseers of the poor, members of the school committee, or assistant assessors, in any ward, on the day of the annual ward meeting, the meeting shall be adjourned from time to time, until the elections shall be completed. Of vacancies.

SECTION 12. The city council shall have the same powers in relation to the laying out, acceptance, altering, or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law; but all petitions and questions relating to laying out, widening, altering, or discontinuing, any street or way, shall be first acted on by the mayor and aldermen. Concerning streets and ways.

Any person aggrieved by any proceedings of the mayor and aldermen, or of the city council, in the exercise of such powers respecting streets and ways, shall have the same right of appeal, by complaint, to the county commissioners of the county of Worcester, as is given by the laws of the Commonwealth to appeal from the decisions of selectmen or the inhabitants of towns. Appeals for damages.

SECTION 13. All the power and authority now by law vested in the selectmen of the town of Worcester, for the preservation of the public health, shall be transferred to, and vested in, the city council, to be carried into execution in such manner as the city council shall deem expedient. Public health.

SECTION 14. The city council shall have authority to cause drains and common sewers to be laid down through any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or common sewer; and also to require that private drains shall be conducted into the public drain or sewer, in any case in which the said city council shall judge the same necessary or proper for the cleanliness and health of the city. Drains and sewers.

And the city council may make by-laws, with suitable penalties, for the inspection and survey, measurement and sale, of lumber, wood, hay, coal, and bark, brought into the city for sale, and shall have the same powers as the town now have in reference to the fire department, and the laws Inspection of wood, &c.

relating thereto, and in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws the operation or suspension of which is subject to the action of the town thereon.

City council to determine the number of representatives in general court.

SECTION 15. It shall be the duty of the city council, in the month of October, annually, to meet in convention, and determine the number of representatives to be elected to the general court, by the city, in such year, which shall be conclusive. And the number thus determined shall be specified in the warrant calling meetings for the election of representatives.

Proceedings in relation to election of county, state, and United States officers.

SECTION 16. All elections for county, state, and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for said several officers, respectively, shall be assorted, counted, declared, and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns; and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

Case of no choice, new warrant shall issue.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen by a majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and laws of this Commonwealth.

Lists of voters.

SECTION 17. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and they shall deliver the lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. And in relation to the preparation, posting, and correction of such lists, the mayor and aldermen shall perform the same duties, and be governed by the same regulations, as are required by law to

be observed by selectmen of towns: *provided, however*, that a list of the voters of each ward shall be posted in one or more public places in each ward; and *provided, further*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate, signed by the mayor or city clerk, setting forth his right to have his name so entered.

Where to be posted.

Right to be placed on the list.

SECTION 18. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request, in writing, setting forth the purposes thereof, of fifty qualified voters.

Meetings of citizens.

SECTION 19. For the purpose of organizing the system of government hereby established, and putting the same into operation in the first instance, the selectmen of the town of Worcester for the time being shall, on some day in the months of March or April of the present year, issue their warrants, seven days at least previous to the day so appointed, calling meetings of the said citizens, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward, at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same; and in case such elections should not be completed at the first meeting, then to issue new warrants until such election shall be completed, and to give notice thereof, in manner before provided, to the several persons elected. And at said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as hereinbefore provided.

First organization of city government.

The selectmen shall appoint such time for the first meeting of the city council, as they may judge proper, after the choice of the city officers as aforesaid, or a majority of the members of both boards, not later than the first Monday in May, in the year one thousand eight hundred and forty-

Selectmen shall appoint time of first meeting.

Subsequent organizations as in sixth section.

eight, and shall also fix upon the place and the hour of said first meeting; and a written notice thereof shall be sent, by said selectmen, to the place of abode of each of the city officers, chosen as provided in this section. And after this first election of city officers, and this first meeting for the organization of the city council, as in this section is provided, the day of holding the annual elections, and the day and hour for the meeting of the city council, for the purpose of organization, shall remain as provided in the sixth section of this act.

It shall be the duty of the city council, immediately after the first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others shall have been chosen and qualified; and at the meetings to be called as prescribed in this section, for the choice of ward and city officers, the said inhabitants may and shall also give their votes for such county officers as are to be chosen, which votes shall be recorded, certified, and returned, in the manner provided in the sixteenth section of this act.

By-laws, with penalties.

SECTION 20. The city council shall have power to make all such salutary and needful by-laws, as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding twenty dollars, for the breach thereof, which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court, or other authority, whatever: *provided, however*, that all laws and regulations now in force in the town of Worcester shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force; and all fines and forfeitures, for the breach of any by-law or ordinance, shall be paid into the city treasury.

Proviso.

Annual town meeting suspended.

SECTION 21. The annual town meeting, in the town of Worcester, which is required by law to be holden in the month of March or April, is hereby suspended, and all town officers, now in office, shall hold their places until this act shall go into operation; and in case this charter shall not be accepted, in the manner and form as hereinafter provided, then the selectmen shall issue their warrant, according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

Case of non-acceptance of this charter.

Delivery of records, &c., to city clerk.

SECTION 22. All officers of the town of Worcester, having the care and custody of the public records, or of any papers or property belonging to said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office.

City council may purchase the property, &c., of the

SECTION 23. The city council shall have authority, and hereby is fully authorized and empowered, to purchase, in the name and on behalf of the city, all the property, rights and

interest of the Worcester Aqueduct Company in and to the waters of Bladder Pond, now called Bell Pond, and to the management and use of the same, together with the land owned by said company, with their reservoirs, aqueduct, hydrants, and whatsoever else the said company have a right to hold and possess, under their act of incorporation. And the said Worcester Aqueduct Company are hereby authorized and empowered to sell and transfer the same to the city of Worcester, for such consideration as may be agreed upon by and between the city council, on the part of said city, and the said company; and to make and execute a deed thereof, by their committee of managers, or a majority of said committee, for the time being; which deed shall be good and effectual in law to pass all the property, rights, and interest of said company, and to vest the same in the city. *Provided, however,* before any such transfer shall be made, the said aqueduct company, at a meeting duly warned and convened for that purpose, by a warrant containing an article to that effect, shall, by a majority of votes given in at such meeting, consent to such sale and transfer. And upon such sale and transfer being made, as aforesaid, and the deed thereof being recorded in the registry of deeds for the county of Worcester, all the property, rights, and interest of the said company shall be and vest in the said city; and thereupon the said city shall succeed to, and have, possess, and enjoy, and may exercise all the control and direction over said property which it may rightfully do over other city property. And the city council shall have the same power to provide for the management, preservation, and use of said aqueduct, and shall have the same care, custody, and management of the property thus transferred, and shall possess and exercise the same powers, in respect to said aqueduct, and the uses thereof, and in all things relating thereto, which were granted to said company, by a law of the Commonwealth, entitled "An Act to incorporate the Worcester Aqueduct Company," passed on the twenty-eighth day of February, in the year one thousand eight hundred and forty-five; and the power and authority over said property, and all the powers and privileges, rights and obligations, created by said act, whether to be exercised by the corporation of the Worcester Aqueduct Company, at meetings provided for in said act, or by the committee of managers, appointed pursuant thereto, shall be vested in, and exercised by, the city council, and by such officers as the said council may appoint for that purpose. And the same penalties and forfeitures shall be incurred, for maliciously defiling or corrupting the waters which supply said aqueduct, or maliciously injuring said aqueduct or any of its appurtenances, and the same remedy had by the city of Worcester, as are provided, in the eleventh section of the

Worcester
Aqueduct Com-
pany.

Terms, liabilities,
&c., of
such purchase.

act aforesaid, for the said town of Worcester and the said aqueduct company. And the said city shall be under, and subject to, the same liabilities as are provided for in the tenth section of the act aforesaid.

Police Court.

Jurisdiction.

Appeals.

In complaints,
offence how to
be set forth.

Writs and
warrants.

SECTION 24. There is hereby established, within and for the said city of Worcester, a police court, to consist of one learned, able, and discreet person, to be appointed by the governor and council, pursuant to the constitution, to take cognizance, and have exclusive jurisdiction of all crimes, offences, and misdemeanors committed in said city, whereof justices of the peace may now, or hereafter, legally take cognizance, and of all offences against the by-laws and regulations which may be established by the city council of the said city of Worcester, or shall be in force in said city. The court hereby established shall hear and determine all suits, complaints, and prosecutions cognizable by it, in like manner as is provided, by law, for the exercise of the powers and authority which now are, or may hereafter be, vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority. And said court shall also have original jurisdiction of all civil suits and actions, of which justices of the peace in said county may or shall have cognizance, in concurrence with said justices. An appeal shall be allowed from all orders, decrees, and judgments in said court, in like manner, and to the same extent, that appeals are now allowed by law from orders, decrees, and judgments of justices of the peace. And the justice of said court shall not be attorney, or of counsel to any party, in any matter or thing whatsoever which may be pending in said court.

In all prosecutions by complaint before the said police court, founded on the special acts of the legislature, or the ordinances and by-laws of the city of Worcester, it shall be sufficient to set forth, in such complaint, the offence, fully and plainly, substantially and formally; but it shall not be necessary to set forth such special act, by-law, or ordinance, or any part thereof; and the provisions of this section, with regard to such prosecutions, shall also apply to all prosecutions, founded on the by-laws or ordinances of the town of Worcester, which may remain in force after this act shall go into operation.

SECTION 25. All writs and warrants issued by said court, or by any justice of the peace within said city of Worcester, in all matters and cases whereof said police court, by this act, has exclusive jurisdiction, shall be made returnable, and be returned, before said court; and if any writ or warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be allowed or paid to said justice, unless it shall appear, on examination or hearing before said court, that there was

just or reasonable cause for his issuing said writ or warrant, in which case, such fees, costs, and charges, shall be allowed and taxed, in like manner as if such writ or warrant had been issued by said justice of the peace, according to the laws now in force.

SECTION 26. It shall be lawful for the justice of said court, at his discretion, to discharge any person from imprisonment, who shall have been confined, under sentence of any court, for three months, or more, for non-payment of fine and costs, or either of them, when it shall be made to appear to him that such person is unable to pay said fine and costs.

Power of police court to discharge from imprisonment.

SECTION 27. The justice of said police court, in addition to the services hereinbefore assigned to him, shall exercise and perform the duties of clerk of said court, and shall tax all bills of cost, and receive all fines and penalties, and shall receive and keep a true and faithful account of all fees taxable by law in said court, in all cases, and concerning all matters and things, concerning which, by this act, he has exclusive jurisdiction, other than in civil suits between private parties; and shall exhibit, in the month of October of each year, to the board of accounts hereinafter established, a particular account of all sums of money by him received, other than in such civil suits and actions, as such clerk; and shall tax and exhibit all bills of cost for witnesses in criminal examinations and prosecutions, in the same manner that justices of the peace are now, by law, required to do. And the said clerk shall pay over to the city treasurer, immediately after his account shall be examined and certified by said board of accounts, the balances, if any, which may appear to be due from him, after deducting the sum which he is hereinafter authorized to retain for his own use; and the accounts so exhibited, from time to time, shall be recorded by the city treasurer, in a book to be by him kept for that purpose, when the same shall be exhibited to him, with the certificate of allowance thereof, as aforesaid, by the justice of said police court; and the said accounts shall be filed and safely kept by said treasurer. The justice of said police court shall give bond, with a surety or sureties, to the acceptance of the mayor and aldermen of the city, and in such penalty as they shall determine, for the faithful performance of the duties of his office, as clerk.

Justice to act as clerk.

To render an account of moneys received.

To pay over balances to city treasurer.

To give bond as clerk.

SECTION 28. The justice of the police court shall be entitled to retain, for his own use, out of all moneys received by him, in each year, for fees, fines, and penalties, aforesaid, the sum of eight hundred dollars, in full compensation for all services assigned to him by the provisions of this act, other than in civil suits and actions; and, in addition thereto, shall be entitled to receive, and retain to his

The justice to retain \$800 for services rendered, besides fees in certain civil suits.

own use, his fees, taxable by law, in such civil suits and actions, of which he has jurisdiction, as may be brought before him. And any balance of fees, fines, and penalties, which by this act are to be accounted for, over and above the said sum of eight hundred dollars, shall, immediately after the account thereof shall have been audited, be paid by the justice of said police court to the city treasurer.

A court to be held two days in each week for criminal trials;

and one day in each month for civil suits.

Clerk of the courts in Worcester County, and the county treasurer, to be a board of accounts.

Their compensation.

Concerning suits, complaints, &c., pending.

Justice to return processes, &c., to other courts.

SECTION 29. A court shall be held by said justice, in some suitable and convenient place, to be provided at the expense of said city, on two several days of each week, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and all violations of the by-laws, and regulations, and ordinances of the city, of which said police court may have jurisdiction, and on one day in each month, and as much oftener as may be necessary, for the trial of such civil suits and actions as may be brought before it. And the justice of said police court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business of said court, both civil and criminal.

SECTION 30. The clerk of the courts of Worcester County, and the county treasurer of said county, shall be, and hereby are, constituted a board of accounts, and shall meet in the month of November in each year, and as much oftener as may be necessary; and, when so assembled, shall have power, and it shall be their duty, to adjust, liquidate, examine, and allow, all bills of cost, accounts, and charges, which may be made, or may arise, in the course of proceedings in said police court; and the said board shall certify that said accounts, charges, and expenses have been examined and allowed by them; and a certificate of such examination and allowance shall be endorsed on the accounts exhibited to said board, and shall be addressed to the public officer to whom such charges, fees, and expenses, may be payable by law. The members of said board of accounts shall be entitled to receive, out of the treasury of said city of Worcester, the sum of three dollars, for each and every day which shall be devoted to the duties hereby assigned to them.

SECTION 31. All suits, complaints, actions, and prosecutions, which shall have been instituted, and which shall be pending before any justice of the peace in the county of Worcester, at the time when this act shall take effect, or which shall be so instituted before a police justice shall be duly appointed and qualified under this act, shall be proceeded in, heard, and determined, as though the same had not been passed.

SECTION 32. The justice of the police court shall make a return to the several courts of all legal processes and of his

doings therein, in the same manner as justices of the peace are now, by law, required to do.

SECTION 33. There shall be appointed by the governor and council, pursuant to the constitution, two special justices of said court, who shall hold their offices for the same time, and by the like tenure, as the justice of said court; and whenever it shall happen, that the justice of said court shall be a party, or interested, in any suit or prosecution cognizable by said court, or be akin to either party therein, or shall, from any other cause, be unable to attend said court, or to hear and determine any matter or thing pending therein, the cause shall be assigned on the record, and the court may and shall be held, and its jurisdiction be exercised, by one or both of said special justices. And said special justices shall be paid, for the services herein required of them, by said justice, out of the sum he is hereinbefore authorized to retain for his own use, such compensation as justices of the peace would be entitled to, for the same services.

Two special justices of police court.

Their compensation.

SECTION 34. All such acts, and parts of acts, as are inconsistent with the provisions of this act, shall be, and the same are, hereby repealed.

Repeal of inconsistent acts, &c.

SECTION 35. Nothing contained in this act shall be so construed as to prevent the legislature from altering or amending the same, whenever they shall deem it expedient.

Legislature may alter or amend this act.

SECTION 36. This act shall be void, unless the inhabitants of the town of Worcester, at a legal town meeting called for that purpose, shall, by a vote of a majority of the voters present, voting thereon by a written ballot, determine to adopt the same, within twenty days from and after its passage; at which meeting the polls shall be kept open not less than six hours; and the selectmen shall preside in said meeting, and, in receiving said ballots, shall use the check lists, in the same manner as they are used in elections for state officers.

This act to be adopted by the town, otherwise void.

SECTION 37. This act shall go into operation from and after its passage. [Approved by the Governor, Feb. 29, 1848]

An Act in addition to "An Act for supplying the city of Boston with Pure Water."

Chap. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Nothing in the ninth section of the act, to which this is an addition, shall be construed to prohibit the city council of the city of Boston, from making temporary loans for the purposes therein set forth, to be redeemed within five years by the "Boston Water Scrip:" *provided*, that the amount of said scrip shall in no case exceed the amount named in the said section. [Approved by the Governor, Feb. 29, 1848.]

City council of Boston may make temporary loans, to be redeemed within five years by the "Boston Water Scrip."

Chap. 34. An Act in relation to the Fitchburg and Worcester Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Filing of location of Fitchburg and Worcester R.R. extended to 16th April, 1849.

SECTION 1. The time for the filing of the location of the Fitchburg and Worcester Railroad is hereby extended to the sixteenth day of April, in the year one thousand eight hundred and forty-nine.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, Feb. 29, 1848.*]

Chap. 35. An Act regulating the election of Electors of President and Vice-President of the United States.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Electors of president and vice-president to be chosen on the Tuesday next after the first Monday in November ensuing.

SECTION 1. The selectmen of the several towns in this Commonwealth shall, in the manner prescribed by law for notifying town meetings, cause the inhabitants of their respective towns, qualified to vote for representatives in the general court, to assemble, on the Tuesday next after the first Monday in the month of November, of the year when the election of president and vice-president is to be made, and give in their votes for the whole number of electors to which this Commonwealth is entitled.

Elections in cities to conform to charters.

SECTION 2. In the several cities in this Commonwealth, the said elections shall be holden in conformity with the acts establishing said cities, and the several acts in addition thereto; but the same shall be holden at the time directed in the preceding section.

Inconsistent acts, &c., repealed.

SECTION 3. All acts, or parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, Feb. 29, 1848.*]

Chap. 36. An Act to incorporate the town of West Brookfield.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

West Brookfield a new town.

SECTION 1. All that part of the town of Brookfield, in the county of Worcester, which lies westerly of the line hereinafter described, is hereby incorporated into a separate town, by the name of West Brookfield; and the said town of West Brookfield is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth. The dividing line between the two towns shall be, and the same is hereby established, as follows:—Beginning at the north end of said line, at a town monument between Brookfield and North Brookfield; thence south, eighteen

Boundaries.

and three fourths degrees west, thirty-one rods and twenty-two links, to a stake and stones; thence south, eighty-six degrees west, twenty-four rods; thence north, eighty-four and three fourths degrees west, ten rods and eighteen links; thence south, fifty-six and three fourths degrees west, seventeen rods and five links; thence south, fifty-four degrees west, fifteen rods and twenty-three links; thence south, sixty-nine and one third degrees west, fourteen rods and twenty-two links; thence south, seven degrees west, nineteen rods and seven links; thence south, twenty-four and one fourth degrees west, nine rods and nine links; thence north, fifty-six and one fourth degrees west, twelve rods; thence north, fifty-two and three fourths degrees west, sixteen rods; thence south, nine degrees west, sixty-six rods and twenty links; thence south, fifteen degrees west, sixty-six rods and twenty links; thence south, nine degrees west, seventeen rods and seventeen links; thence south, eighty-two and one half degrees west, fifteen rods and three links; thence south, five and one half degrees east, fifty-nine rods and seven links; thence south, forty-nine degrees west, eighteen rods and twelve links; thence south, thirty-three and one half degrees west, eight rods; thence south, ten and one half degrees east, seven rods and four links; thence south, thirty degrees east, seven rods and four links; thence south, fifty-three and one half degrees east, nine rods and thirteen links: thence south, thirty-four degrees west, twenty-six rods and thirteen links; thence south, seventy-five and three fourths degrees east, nine rods and twenty links; thence south, nine and one fourth degrees west, three rods; thence south, seventy-four degrees east, sixteen rods; thence south, twenty and one fourth degrees west, one hundred and twenty-nine rods to the north bank of the river; thence southerly to the middle of the river; thence down the middle of the river, to a point opposite the corner of land of Reuben Blair and the Brigham farm, lying on the southerly side of said river; thence southerly to said corner; thence south, thirty-three and one fourth degrees west, one hundred eighty-five rods and fifteen links; thence north, sixty-eight and three fourths degrees west, thirty-three rods and twenty links; thence south, sixteen degrees west, two hundred thirty-six rods and twenty links; thence south, sixty-seven and three fourths degrees east, thirty-two rods; thence south, seven degrees west, three rods; thence south, seventy degrees east, sixteen rods and eight links; thence south, seventeen degrees west, forty rods and two links; thence south, eighty-four and three fourths degrees west, seven rods and fifteen links; thence south, three and one fourth degrees west, twenty-six rods; thence south, eighty-five and one half degrees west, twenty-five rods and thirteen links; thence north, seventy and three

fourths degrees west, twenty-eight rods and eighteen links; thence north, eighty-six and one half degrees west, twenty-eight rods and five links; thence south, twelve rods; thence south, twenty-nine and one half degrees west, forty-four rods and fifteen links; thence south, seventeen and one half degrees west, fifty-five rods and fourteen links; thence south, seventy-five and one half degrees east, ninety rods; thence south, thirteen and one third degrees west, eighty-eight rods and twenty-two links; thence north, seventy-five degrees west, sixty-one rods and twenty links; thence south, nineteen and three fourths degrees west, eighty rods; thence south, forty and one half degrees east, seventeen rods; thence north, twenty-five degrees east, twenty-three rods and fifteen links; thence south, eighty degrees east, fifty-four rods and ten links; thence south, thirteen and one third degrees west, one hundred twenty-seven rods and five links; thence north, sixty-five degrees west, sixty-eight rods and ten links; thence south, sixty-two degrees west, eleven rods and twelve links; thence north, forty-nine degrees west, five rods and nine links; thence north, sixteen degrees west, twelve rods; thence north, sixty-one and one half degrees west, forty-two rods and twenty links, to a point on the town line between said Brookfield and Warren.

Taxes, debts, corporate personal property, and school fund, how disposed of.

SECTION 2. The inhabitants of West Brookfield shall be holden to pay, to the collector of Brookfield, all arrears of taxes legally assessed on them in the said town of Brookfield before the passage of this act, and also shall be holden to pay their proportion of state and county taxes that may be assessed upon them previously to the taking of the next state valuation, said proportion to be ascertained and determined by the town valuation of the town of Brookfield, next preceding the passage of this act; and the said town of West Brookfield shall be holden to pay one half of the debts due and owing from the town of Brookfield at the time of the passage of this act, and shall be entitled to receive one half of all corporate personal property, except as hereinafter provided, and all assets, now owned by said town of Brookfield; and the town of West Brookfield shall be entitled to receive one half of the school fund belonging to, or receivable by, the town of Brookfield.

Poor-farm and the support of the poor.

SECTION 3. The poor-farm belonging to the town of Brookfield, shall remain and continue to be the property of the town of Brookfield, together with all the personal property on, or attached to, said farm. And the said town of Brookfield shall support, during their lives, the following-named persons, provided the same shall continue to be paupers and require support, to wit: Joseph Porter, Simeon Johnson, David Snow, Eleanor Gilbert, Abigail Staples, Solon Phipps, Hannah Lawrence, Martha Richardson, Elizabeth Hobbs, Harriet Richards, Sally Forbes, Sally Parker, Huldah Wood, Mary Walker, Mary Ward, Esther Jennings, Sally Thomas,

Abigail Paddock, John Lindley, William Richardson, Emily P. Morse. And the said town of West Brookfield shall pay to the town of Brookfield the sum of twenty-five cents per week for the support of each of said persons, respectively, so long as they shall severally live, whether they shall continue paupers or otherwise. And the town of Brookfield shall hereafter support Ruth Henshaw, a pauper, and the town of West Brookfield shall support Harriet Carey, a pauper, so long as they shall respectively require support. The towns of Brookfield and West Brookfield shall be respectively liable for the support of all other persons who now do, or hereafter shall, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence within their respective limits.

SECTION 4. If the county commissioners shall, within two years, order the construction of the road which has been located from Ware to West Brookfield depot, and the road which has been located from Fiskdale to South Brookfield depot, or of either of said roads, as the same are located, or so altered as not to increase the expense, the towns of Brookfield and West Brookfield shall each pay one half the expense of said road or roads.

Concerning projected roads to railroad depots, &c.

SECTION 5. The town of West Brookfield shall continue to be a part of the town of Brookfield, for the purpose of electing a representative to the general court, state officers, senators, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment of the constitution; and all meetings for the choice of said officers shall be called by the selectmen of the town of Brookfield, in like manner, and in the same places, as heretofore called; and the selectmen of West Brookfield shall make a true list of all persons in said town qualified to vote at every such election, and shall, ten days at least before the day of every such election, deliver the same to the selectmen of Brookfield, to be used by them in the same manner, for such elections, as if prepared by themselves.

For election purposes Brookfield and West Brookfield to act together till next census.

SECTION 6. Any justice of the peace, within and for the county of Worcester, is hereby authorized to issue his warrant, directed to any principal inhabitant of the town of West Brookfield, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose, at their annual meetings; and such justice, or, in his absence, such principal inhabitant, shall preside till the choice of a moderator in said meeting.

First meeting for choice of town officers, how to be warned.

SECTION 7. This act shall take effect from and after its passage. [Approved by the Governor, March 3, 1848.]

Chap. 37. An Act to authorize the City of Boston to construct a Temporary Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boston may make a branch railroad from the Old Colony Railroad to the city flats, by bridge over South Bay.

SECTION 1. The city of Boston is hereby authorized to locate and construct a branch railroad, from some convenient point on the Old Colony Railroad, in Boston, on the south-westerly side of the turnpike, so called; thence running across the marshes and flats, and over South Bay, by a suitable bridge, to the flats belonging to the said city, and lying between the easterly line of Front Street and the sea-wall lately erected by the said city, with power, from time to time, as convenience may require, to locate branch tracks thereupon, for the purpose of filling up or grading any streets, passage-ways, or lands, in that vicinity, situate easterly of Washington Street; and for the purpose aforesaid, the said city of Boston shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes which have been, or shall be hereafter, passed relating to railroad corporations; excepting, however, that the said city shall not be required to make any annual report to the legislature, unless hereafter specially directed so to do.

To be connected with Old Colony Railroad.

SECTION 2. The said branch railroad may be connected with the Old Colony Railroad, upon such terms and conditions as may be agreed between the said city of Boston and the Old Colony Railroad Company; and the said branch railroad, and also all branch tracks therefrom that may be constructed under this act, shall be removed within five years from the first day of February, in the year one thousand eight hundred and forty-eight; and all piles not taken up, shall be cut off at least six feet below the surface of the mud.

When to be removed.

Bridge over South Bay, how to be constructed.

SECTION 3. The said city of Boston shall cause the bridge, hereby authorized, to be constructed with convenient draws over the channel of South Bay, to be at least thirty feet wide, and with suitable piers, at the expense of said city, and shall maintain and tend the same, so as to afford all reasonable and proper accommodation for vessels having occasion to pass by day or night through the same; and, to improve the channels on said South Bay, the said city shall remove from each channel at least twelve thousand eight hundred cubic yards of mud or earth, at their own expense, within six months from the first day of April next, under the direction of Allen Putnam, of Roxbury, and Charles Heath, of Boston, or, in case of their death or inability to

act, then under the direction of the mayor of Roxbury for the time being.

SECTION 4. This act shall take effect from and after its passage; and, upon its acceptance by the city council of said city of Boston, all the powers and privileges conferred upon said city by the act of the legislature of this Commonwealth, approved by the governor on the twenty-third day of April, in the year one thousand eight hundred and forty-seven, entitled "An Act to authorize the city of Boston to construct a railroad from the Providence Railroad to South Bay," shall be deemed to be surrendered by the said city; and such act shall become null and void, being in such case hereby repealed. [*Approved by the Governor, March 3, 1848.*]

This act to take effect from and after its passage.

Act surrendered.

An Act authorizing the Massachusetts Solar Gas and Foundry Company to change its name.

Chap. 33.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Massachusetts Solar Gas and Foundry Company is hereby authorized to take the name of the East Boston Iron and Gas Company. [*Approved by the Governor, March 3, 1848.*]

East Boston Iron and Gas Company.

An Act in addition to "An Act to establish the city of Roxbury."

Chap. 39.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The election of mayor, aldermen, and common councilmen, and such other officers of the city of Roxbury as are now by law to be chosen on the second Monday in March, annually, shall in future be made on the second Monday in December, annually; and the said officers, so chosen, shall hold their respective offices for the same term of time, and the same proceedings shall be had in relation to such elections, as is provided in and by the act to which this act is an addition; and the officers chosen for the municipal year commencing with the first Monday of April, for the present year, shall hold their offices until the first Monday of January ensuing.

Annual meeting for the election of city officers to be on second Monday in December.

SECTION 2. The officers chosen, under and by virtue of this act, shall enter on the duties of their respective offices on the first Monday in January, in each year, and shall be liable to all the duties and restrictions, and shall exercise all the powers, to which the said officers are respectively subject or entitled, under and by virtue of the act to which this is an addition.

Officers elected to enter on their duties on the first Monday of January.

SECTION 3. On the second Monday in December, annually, the qualified voters, in each ward, shall give in their votes for mayor, aldermen, and common councilmen, as provided

The annual ward meeting to be on the second

Monday of De- in the fifth section of the act to which this is an addition, and for warden, clerk, and inspectors, as is provided in the fourth section of said act.

List of jurors to be prepared by mayor and aldermen. SECTION 4. The list of jurors, in the city of Roxbury, shall be prepared by the mayor and aldermen of the city, in the same manner as is required, in the ninety-fifth chapter of the Revised Statutes; to be done by the selectmen within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be deemed complete, without being submitted to the inhabitants of the city, or to the common council, for revision and alteration by them.

Drawing of jurors to be by mayor, aldermen, and city clerk. SECTION 5. The said mayor and aldermen, and the clerk of the city, shall severally have and exercise all the powers and duties with regard to the drawing of jurors in the city of Roxbury, and all other matters relating to jurors therein, which are, in the ninety-fifth chapter of the Revised Statutes, required to be performed by the selectmen and town-clerks in their respective towns; and all venires for jurors to be returned from Roxbury, shall be served on said mayor and aldermen.

Venires to be served on mayor and aldermen. SECTION 6. All vacancies in the boards of overseers of the poor, members of the school committee, or assistant assessors, arising from death, resignation, removal out of the city of Roxbury, or otherwise, shall be supplied, as soon as may be after such vacancies shall happen, in the same manner as is provided, in the sixth section of the act to which this act is an addition, in cases of vacancy in the board of aldermen and common council.

To be accepted by the inhabitants of Roxbury, or be void. SECTION 7. This act shall be void unless the inhabitants of Roxbury, at any general meeting, duly warned by public notice of at least fourteen days, by the mayor and aldermen, shall, within sixty days from the passing hereof, by written votes, accept the same.

SECTION 8. All the provisions of the act to which this act is an addition, or of any other act inconsistent with the provisions of this act, shall be, and hereby are, repealed. [*Approved by the Governor, March 3, 1848.*]

Chap. 40.

An Act to authorize John A. Paine to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Truro. John A. Paine is hereby authorized to build and maintain a wharf, in the town of Truro, on the north side of the river called Pamet River, on land owned by him, and to extend the same to low-water mark; and he shall have the right to lay vessels at the end and sides of said wharf, and receive dockage and wharfage therefor: *provided*, that this act shall in no wise affect the private rights of any person or persons whatever. [*Approved by the Governor, March 9, 1848.*]

Proviso.

An Act to incorporate the Railroad Wharf Company.

Chap. 41.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William Eaton, Alvin Adams, Nathaniel Stevens, their associates and successors, are hereby made a corporation, by the name of the Railroad Wharf Company, with power to purchase and hold in fee simple, or otherwise, all or any part of that tract of land, situated in the city of Charlestown, and bounded as follows, namely, south-easterly by Prison Point Bridge, as now laid out as a county way; northeasterly by the line of the Boston and Maine Railroad; and westerly and south-westerly by the channel of Miller's River; and all flats, rights, easements, privileges, and appurtenances, thereto belonging. And said company may, within the limits aforesaid, maintain the wharves as now constructed, lay vessels at said wharves, and receive wharfage therefor; and may erect buildings and storehouses on said land, and so manage and improve said property as to them shall seem expedient: *provided*, that nothing herein contained shall authorize said corporation to infringe upon the legal rights of any person or corporation whatever.

Railroad Wharf Company in Charlestown.

Powers.

Proviso.

SECTION 2. Said corporation may hold real and personal property, necessary and convenient to carry into effect the objects of this act, not exceeding in amount one hundred and fifty thousand dollars.

Estate, real and personal.
\$150,000.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

To be governed by 44th chapter Revised Statutes.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1848.*]

An Act to incorporate the Boston Locomotive Works.

Chap. 42.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Holmes Hinckley, Gardner P. Drury, Daniel F. Child, their associates and successors, are hereby made a corporation, by the name of the Boston Locomotive Works, for the purpose of manufacturing locomotive engines, and other machinery, in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Boston Locomotive Works.

SECTION 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, and the said corporation may hold real and personal estate not exceeding that amount. [*Approved by the Governor, March 13, 1848.*]

Capital stock not to exceed \$500,000.
Estate, real and personal, not to exceed same amount.

Chap. 43.

An Act to increase the Capital Stock of the Clinton Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital in-
creased by add-
ing \$200,000;
part may be
invested in real
estate.

The Clinton Company is hereby authorized to increase its capital stock by adding thereto two hundred thousand dollars, and to invest such portion thereof in real estate as may be necessary and convenient for the purpose for which it has been incorporated. [Approved by the Governor, March 13, 1848.]

Chap. 44.

An Act to incorporate the Bay State Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Bay State Mu-
tual Fire Insur-
ance Company
in Chelsea, for
28 years.

Jesse Gould, Henry Slade, G. W. Gerrish, their associates and successors, are hereby made a corporation, by the name of the Bay State Mutual Fire Insurance Company, in the town of Chelsea, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other build-ings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Re-vised Statutes: *provided*, that no policy shall be issued by this company until the sum of one hundred thousand dol-lars shall be subscribed to be insured. [Approved by the Governor, March 15, 1848.]

Proviso.

Chap. 45.

An Act to extend the Time for constructing the Framingham Branch Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended
for construction
to 16th of April,
1850.

SECTION 1. The time allowed to the Framingham Branch Railroad Company, by an act passed on the sixteenth day of April, in the year one thousand eight hundred and forty-six, for constructing their railroad, is hereby extended to the sixteenth day of April, in the year one thousand eight hundred and fifty.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 18, 1848.]

Chap. 46.

An Act to incorporate the Charles River Woolen Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charles River
Woolen Manu-
facturing Com-
pany in Water-
town.

SECTION 1. William G. Lewis, Richard Williams, Abiel S. Lewis, their associates and successors, are hereby made a corporation, by the name of the Charles River Woolen

Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Watertown, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount one hundred thousand dollars. Estate, real and personal, not to exceed \$100,000.
[Approved by the Governor, March 18, 1848.]

An Act in addition to An Act to incorporate the Traps Creek Fishing Company, in Edgartown. *Chap. 47.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The present owners of lands adjoining the said Traps Pond, or creek, shall have each one share only in said fishery, and no one of them shall, by conveyance or descent of his lands, create, or cause to be created, an additional number of shares: *provided, however,* that each of the present owners, and his successor, may divide his original share into parts or fractions. Owners to have one share only in the fishery.

SECTION 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 18, 1848.]* *Proviso.*

An Act to continue in force An Act to incorporate the Roxbury Mutual Fire Insurance Company. *Chap. 48.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The act to incorporate the Roxbury Mutual Fire Insurance Company, passed on the third day of February, in the year one thousand eight hundred and twenty-seven, shall be and remain in force for the term of twenty-eight years from the third day of February, in the year one thousand eight hundred and fifty-five; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes subsequently passed relating to Mutual Fire Insurance Companies. Roxbury Mutual F. I. Company to remain a corporation till 3d of February, 1883.
[Approved by the Governor, March 18, 1848.]

An Act in addition to An Act to incorporate the Massachusetts Charitable Mechanics' Association. *Chap. 49.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Massachusetts Charitable Mechanics' Association are hereby authorized to hold real and personal estate of Mass. C. M. Association, in Boston, may

hold additional
real and person-
al estate,
\$100,000.

the value of one hundred thousand dollars, in addition to the amount they are now authorized to hold, and the income of the same shall be applied to the same purposes as are specified in the former acts concerning said association. [Approved by the Governor, March 18, 1848.]

Chap. 50.

An Act to incorporate the Davenport Car Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Davenport Car
Company in
Cambridge, for
the manufacture
of railroad cars,
&c.

SECTION 1. Charles Davenport, Albert Bridges, Charles Whitney, their associates and successors, are hereby made a corporation, for the purpose of manufacturing railroad cars, locomotives, steam-engines, and other kinds of machinery, by the name of the Davenport Car Company, in the city of Cambridge, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and
personal, not to
exceed
\$400,000.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate not exceeding in value the sum of four hundred thousand dollars. [Approved by the Governor, March 18, 1848.]

Chap. 51.

An Act authorizing the County Commissioners of Essex County to lay out a highway, and cause a bridge to be built across Ipswich River, in the town of Ipswich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Essex County
commissioners
may lay out a
highway, with a
bridge across
Ipswich River,
in Ipswich.

The county commissioners of Essex County are hereby empowered, if, in their opinion, the public convenience and necessity require the same, to lay out a highway and cause to be built a bridge across Ipswich River, in the town of Ipswich, at some place at or near the dam of Dodge's Mill, or at or near the present termination of Green Street, so called, or at some intermediate place : *provided*, that if said commissioners shall order said bridge to be erected at any other place than at or near said dam, they shall cause a draw to be constructed in said bridge of sufficient capacity for the passage of all such vessels as navigate said river above the place where said bridge shall be built; and all suitable provisions shall be made by said commissioners for opening said draw for the passage of vessels. [Approved by the Governor, March 18, 1848.]

Proviso.

Draw.

Chap. 52.

An Act to authorize the city of Boston to establish a Public Library.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The city of Boston is hereby authorized to

establish and maintain a public library, for the use of the inhabitants of the said city; and the city council of the said city may, from time to time, make such rules and regulations, for the care and maintenance thereof, as they may deem proper: *provided, however*, that no appropriations for the said library shall exceed the sum of five thousand dollars in any one year.

Public library
in Boston;

no appropri-
ations to exceed
\$5,000 annu-
ally.

SECTION 2. This act shall be null and void, unless it shall be accepted by the city council of the said city of Boston, within sixty days from its passage. [*Approved by the Governor, March 18, 1848.*]

Act to be ac-
cepted by city
council within
60 days.

An Act to authorize James Chandler and others to extend their Wharf.

Chap. 53.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

James Chandler, and his associates, are hereby authorized to extend and maintain the wharf now owned by them, and adjoining their land in Provincetown, to low-water mark, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall not in any manner interfere with the legal rights of any person whatever. [*Approved by the Governor, March 18, 1848.*]

To extend a
wharf in
Provincetown.

Proviso.

An Act empowering the county commissioners of Barnstable County to lay out a highway, and to cause to be built bridges across Herring River and Swan Pond Creek, in Harwich and Dennis.

Chap. 54.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The county commissioners of Barnstable County are hereby empowered, if, in their opinion, public convenience and necessity require the same, to lay out a highway, and cause to be built a bridge across Herring River, near the house of Isaiah Chase, in the town of Harwich, with a draw of sufficient capacity for the passage of all such vessels as navigate said river above the place where the same may be built; and all suitable provisions shall be made by said county commissioners for opening said draw for the passage of vessels. Said county commissioners are also empowered to lay out a highway, and to cause to be built a bridge across Swan Pond Creek, at some place about one fourth of a mile from the mouth of said creek, if, in their opinion, the public convenience and necessity require the same. [*Approved by the Governor, March 18, 1848.*]

Commissioners
of Barnstable
County author-
ized to lay out
highway, with a
bridge across
Herring River,
in Harwich,
having a suffi-
cient draw;

also a highway,
with a bridge
across Swan
Pond Creek.



Chap. 55. An Act to authorize Amasa Nickerson and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Har-
wich.

Amasa Nickerson, and his associates, are hereby authorized to build a wharf, from their land adjoining the harbor of Harwich, at a place called Deep Hole, and to extend said wharf into the sea three hundred and ninety feet, and to lay vessels at the end and sides thereof, and receive dockage and wharfage therefor: *provided*, that this act shall not in any manner impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Proviso.

Chap. 56. An Act to authorize John Atwood, Jr., to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Provincetown.

John Atwood, Jr. is hereby authorized to build and maintain a wharf, from his premises on Long Point, so called, in the harbor of Provincetown, and to extend the same to six feet of water at low tide; and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Proviso.

Chap. 57. An Act to authorize Allen Hinckley to build Wharves.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Two wharves
authorized in
Truro.

Allen Hinckley is hereby authorized to build and maintain two wharves from his land on the south side of Pamet River, in the town of Truro, and to extend said wharves to the southern edge of the channel of said river; and shall have the right to lay vessels at the ends and sides of said wharves, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any persons whatever. [Approved by the Governor, March 22, 1848.]

Proviso.

Chap. 58. An Act to authorize Joshua Dyer to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Prov-
incetown au-
thorized.

Joshua Dyer is hereby authorized to build a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water at low tide; and shall have the right to lay vessels at said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant

Proviso.

shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

An Act to authorize Elisha Young to extend his Wharf.

Chap. 59.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Elisha Young is hereby authorized to extend and maintain his wharf into the harbor of Provincetown, to low-water mark; and shall have the right to lay vessels at said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not in any manner impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

To extend wharf in Provincetown.

Proviso.

An Act to authorize Seth Nickerson to build a Wharf.

Chap. 60.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Seth Nickerson is hereby authorized to build and maintain a wharf from his land adjoining the harbor of Provincetown, and to extend said wharf into six feet of water, at low tide; and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Wharf in Provincetown.

Proviso.

An Act to authorize John H. Pease to build a Wharf.

Chap. 61.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

John H. Pease is hereby authorized to build and maintain a wharf from his land adjoining the harbor in Edgartown, and to extend the same into the channel of said harbor, to a point where there may be a depth of water equal to that at the other wharves now erected in said harbor; and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Wharf in Edgartown.

Proviso.

An Act in addition to An Act to authorize John W. Trull to extend his Wharves.

Chap. 62.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

So much of an act entitled "An Act to authorize John W. Trull to extend his wharves," passed on the seventh day of March, in the year one thousand eight hundred and forty-six, as provides that said Trull shall extend the common

Second proviso in the act to authorize John W. Trull to extend

his wharves in Boston repealed. sewer through said wharf, or wharves, at his own expense, is hereby repealed. [Approved by the Governor, March 22, 1848.]

Chap. 63. An Act to authorize Moses Tarr and his associates to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Gloucester.

Moses Tarr, and his associates, are hereby authorized to build and maintain a wharf in the harbor of Gloucester, to extend from land owned by them, sixty feet from low-water mark; and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Proviso.

Chap. 64. An Act to authorize Solomon Bangs to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Provincetown.

Solomon Bangs is hereby authorized to build a wharf from his land, adjoining the harbor at Provincetown, and to extend said wharf to six feet of water at low tide; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 22, 1848.]

Proviso.

Chap. 65. An Act to authorize the New Bedford and Taunton Railroad Corporation to construct a Branch.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

To locate and construct a branch railroad in New Bedford.

SECTION 1. The New Bedford and Taunton Railroad Corporation, are hereby authorized to locate and construct a branch railroad, beginning at a point in the line of their road, about nine hundred and eighty feet north of the north line of Pearl Street, in New Bedford; thence running easterly, in a curved line, a distance of nine hundred feet; thence easterly in a straight line, about eleven hundred feet, to and on a wharf, now in process of construction by said corporation, on the west bank of Acushnet River, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes which have been, or which shall be hereafter, passed, relating to railroad corporations.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 22, 1848.]

An Act to incorporate the Dean Cotton and Machine Company.

Chap. 66.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Robert S. Dean, Lovett Morse, Samuel B. King, their associates and successors, are hereby made a corporation, for the purpose of manufacturing machinery, castings, and articles of which cotton and wool are materials, in the town of Taunton; and, for this purpose, shall have all the rights and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation to manufacture machinery, &c., in Taunton.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate of the value of seventy thousand dollars, and the whole capital stock of said company shall not exceed two hundred thousand dollars. [Approved by the Governor, March 22, 1848.]

Real estate, \$70,000; capital stock not to exceed \$200,000.

An Act to incorporate the Gosnold Mills.

Chap. 67.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Abraham H. Howland, Edward W. Howland, James D. Thompson, their associates and successors, are hereby made a corporation by the name of the Gosnold Mills, for the purpose of manufacturing cotton, wool and iron, or either of them, in the city of New Bedford, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation to manufacture cotton, wool, and iron, in New Bedford.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in value one hundred thousand dollars. [Approved by the Governor, March 22, 1848.]

Estate, real and personal, not to exceed \$100,000.

An Act to incorporate the American Machine Works.

Chap. 68.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Philos B. Tyler, Nelson Tyler, Nahum Dunbar, their associates and successors, are hereby made a corporation by the name of the American Machine Works, for the purpose of manufacturing machinery, and founding and forging iron, in the town of Springfield; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation to manufacture machinery, forge iron, &c., in Springfield.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate of the value of forty thousand dollars,

Real estate, \$40,000;

capital stock
not to exceed
\$100,000.

and the whole capital stock of said corporation shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 22, 1848.*]

Chap. 69.

An Act to incorporate the North Chelmsford Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation to
manufacture
machinery,
steam-engines,
&c., in Chelms-
ford.

SECTION 1. Ziba Gay, Royal Southwick, Harvey Silver, their associates and successors, are hereby made a corporation, by the name of the North Chelmsford Machine Shop, for the purpose of manufacturing machinery, steam-engines, and all work connected with this branch of business, in the town of Chelmsford, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and
personal, not to
exceed
\$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars. [*Approved by the Governor, March 22, 1848.*]

Chap. 70.

An Act to incorporate the West Boston Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation to
manufacture
cast-iron,
steam-engines,
&c., in Boston.

SECTION 1. Leonard Fuller, Caleb C. Allen, Charles H. Johonnot, their associates and successors, are hereby made a corporation, by the name of the West Boston Iron Company, for the purpose of manufacturing cast-iron, steam-engines, and other machinery, in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and
personal, not
to exceed
\$200,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars. [*Approved by the Governor, March 22, 1848.*]

Chap. 71.

An Act in addition to "An Act to incorporate the Indian Orchard Canal Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation
may manufac-
ture cotton and
wool.

SECTION 1. The Indian Orchard Canal Company, in addition to its present powers, is hereby authorized to manufacture cotton and wool.

May add not
exceeding
\$800,000 to
their capital
stock, and hold
all necessary
real and
personal estate.

SECTION 2. Said corporation may add to its capital stock a sum not exceeding eight hundred thousand dollars, and may hold real and personal estate, necessary and convenient for the purposes of its incorporation. [*Approved by the Governor, March 22, 1848.*]

An Act in addition to "An Act to incorporate the Salem Laboratory Com-
pany." Chap. 72.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Salem Laboratory Company are hereby authorized to divide their capital stock, now or hereafter belonging to them, not exceeding the amount to which they are by law entitled, into shares of not exceeding one hundred dollars each, and to issue certificates accordingly, any thing in the act, entitled "An act to incorporate the Salem Laboratory Company," to the contrary, notwithstanding. *[Approved by the Governor, March 22, 1848.]*

Corporation may divide capital stock into shares of not exceeding \$100 each.

An Act to incorporate the Hyannis Packet Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows : Chap. 73.

SECTION 1. Z. D. Basset, Joshua Baker, Warren Hallet, their associates and successors, are hereby made a corporation, for the term of twenty years, by the name of the Hyannis Packet Insurance Company, to be established in Hyannis, for the purpose of making maritime loans, and insurance against maritime losses, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Corporation for making maritime loans and insurance in Hyannis, for 20 years.

SECTION 2. The capital stock of said company shall be fifty thousand dollars. *[Approved by the Governor, March 22, 1848.]*

Capital stock.

An Act to change the name of the Congregational Church in Purchase Street, in the city of Boston. Chap. 74.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The congregational church in Purchase Street, in the city of Boston, incorporated the eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-five, shall hereafter be known and called by the name of the Thirteenth Congregational Church, in the city of Boston, and, under that name, shall hold and possess all the property, and shall enjoy all the rights and privileges, and be subject to all the liabilities, of the said congregational church in Purchase Street, in the city of Boston.

Corporation to take the name of the Thirteenth Congregational Church, in the city of Boston.

SECTION 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 22, 1848.]*

When to take effect.

Chap. 75. An Act to incorporate the Maverick Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation to insure against fire in Boston, for 28 years, on the mutual principle.

Alfred A. Wellington, Benjamin Lamson, Thomas Edwards, their associates and successors, are hereby made a corporation, by the name of the Maverick Mutual Fire Insurance Company, in the city of Boston, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no policy shall be issued by this company, until property to the amount of one hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, March 22, 1848.*]

Proviso.

Chap. 76. An Act to authorize James W. Magoun and another to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Truro.

James W. Magoun and Sylvester B. Sleeper are hereby authorized to build and maintain a wharf, from their land on the south side of Pamet River, in the harbor of Truro, and to extend the same until it shall reach the channel of said harbor, and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, March 24, 1848.*]

Proviso.

Chap. 77. An Act to incorporate the People's Equitable Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation for mutual fire insurance, in Taunton, for 28 years.

Albert Field, J. W. Crossman, S. O. Dunbar, their associates and successors, are hereby made a corporation, by the name of the People's Equitable Mutual Fire Insurance Company, in the town of Taunton, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no policy shall be issued by this company until the sum of one hundred thousand dollars shall have been subscribed to be insured. [*Approved by the Governor, March 24, 1848.*]

Proviso.

An Act to incorporate the Blackstone Coal Mining Company.

Chap. 78.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph B. Smith, J. N. Bradley, John S. Lee, their associates and successors, are hereby made a corporation by the name of the Blackstone Coal Mining Company, for the purpose of mining coal in the towns of Pawtucket and Attleborough ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation for coal mining in Pawtucket and Attleborough.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate, necessary and convenient for them, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 24, 1848.*]

Capital stock not to exceed \$100,000, with necessary real and personal estate.

An Act relating to a Public Cemetery in the city of Roxbury.

Chap. 79.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The city council of Roxbury is hereby authorized to elect, by joint-ballot in convention, a board of five commissioners, for the term of five years, who shall have the sole care, superintendence and management of the Rural Cemetery established by said city council, one member of which board shall go out of office each year, and one member shall be chosen annually in the month of March ; but said board, or either member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two thirds of each branch of the city council ; and in case of a vacancy in said board of commissioners, by death, resignation, removal, or otherwise, such vacancy shall be filled by the choice of another commissioner in the manner aforesaid, who shall hold his office for the residue of the term for which such member, so deceased, resigned, or removed, would have held the same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the exercise of the powers, and the performance of the duties, of the said office. And the term for which the several members of the first board of commissioners shall hold their office shall be determined by the city council, as follows :—The commissioner first chosen shall hold his office for five years ; the commissioner next chosen shall hold his office for four years ; the commissioner next chosen shall hold his office for three years ; the commissioner next chosen shall hold his office for two years ; and

Board of commissioners to manage the concerns of the rural cemetery in Roxbury, to be elected by the city council.

Organization.

Term of office.

the commissioner next chosen shall hold his office for one year.

Duties of the board.

SECTION 2. The said board of commissioners shall set apart and appropriate a portion of said cemetery as a public burial-place for the use of the inhabitants of the city of Roxbury, free of any charge therefor; and they shall lay out said cemetery in suitable lots, or other subdivisions, for family or other burying-places, with all the necessary paths and avenues, and may plant and embellish the same with trees, shrubs, flowers, and other rural ornaments; and may inclose and divide the same with proper fences; and erect or annex thereto such suitable edifices, appendages, and conveniences, as they shall from time to time deem expedient. And said board may make all necessary by-laws, rules and regulations, in the execution of their trust, not inconsistent with this act and the laws of the Commonwealth, as they shall deem expedient.

Powers.

Sale of lots.

SECTION 3. Said board of commissioners shall have authority to grant and convey to any person or persons, by deeds duly executed, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, and other monuments, in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they shall by their rules and regulations prescribe.

Income, how appropriated.

SECTION 4. The proceeds of sales of lots, or rights of burial, in said cemetery, shall be paid into the city treasury, to be kept separate from any other funds of the city, and subject to the order of said commissioners; and such proceeds shall be devoted to the liquidation of the debt incurred in the purchase of the land for said cemetery, and to the improvement and embellishment thereof, as aforesaid, under the direction of said board of commissioners. And no other moneys shall be appropriated from the city treasury, by the city council, for such improvement and embellishment.

Board to make report of their proceedings annually.

SECTION 5. Said board of commissioners shall annually, in the month of February, and whenever required by the city council, make and render a report in writing of all their acts and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditures for the same, and the funds subject to their order.

This act to be accepted by the city council; otherwise void.

SECTION 6. This act shall be void unless the city council of Roxbury shall accept the same at a meeting of said city council, called for that purpose, within thirty days after its passage.

SECTION 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1848.*]

An Act to incorporate the Pitchawam Manufacturing Company.

Chap. 80.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Erastus Nash, David Smith, David Kellogg, their associates and successors, are hereby made a corporation by the name of the Pitchawam Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Grauby, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporation to manufacture cotton goods in Granby.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real estate not exceeding in value fifty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars. [*Approved by the Governor, March 24, 1848.*]

Real estate, not to exceed \$50,000; capital stock not to exceed \$100,000.

An Act relating to the Competency of Witnesses in certain cases.

Chap. 81.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

In all cases in which any incorporated mutual marine insurance company shall be, in its corporate capacity, party to, or interested in, any suit, whether of a civil or criminal nature, any member of such corporation may be admitted as a competent witness to testify on the trial, or to give his deposition: *provided*, there be no sufficient objection to his competency, except that of his being such member of the corporation. [*Approved by the Governor, March 24, 1848.*]

Members of any Mutual M. I. Co. may testify in any case in which the Co. is interested.

Proviso.

An Act in addition to "An Act relating to Discharged Convicts."

Chap. 82.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. In addition to the duties of the agent, prescribed in the first section of the one hundred and seventy-sixth chapter of the statutes of the year one thousand eight hundred and forty-five, entitled "An Act relating to Discharged Convicts," it shall hereafter be the duty of such agent to furnish such discharged convicts, as may seek his aid, with clothing, board, and tools suitable for their employment, whenever and in such manner as he may deem proper and expedient.

Discharged convicts may be furnished by agent with clothing, board, tools, &c.

SECTION 2. Said agent shall keep an account of the time employed, and money expended, in the performance of the duties of his office prescribed in this act and the act to which this act is in addition, and shall present the same to the inspectors of the state prison; and their approval thereof shall entitle him to receive, from the treasury of the Com-

Agent's account to be approved by inspectors of state prison.

Agent may receive not exceeding \$600, from state treasury.

monwealth, a sum not exceeding six hundred dollars per annum, for which the governor is requested to draw warrants from time to time.

SECTION 3. All acts, and parts of acts, inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 24, 1848.*]

Chap. 83.

An Act relating to the New Bedford and Taunton Railroad Corporation and the Fall River Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The two roads
may be united
in Taunton.

SECTION 1. The New Bedford and Taunton Railroad Corporation, and the Fall River Railroad Company, are hereby authorized, jointly or severally, as may be mutually arranged, so to connect the roads of the two corporations, near their intersection in the town of Taunton, by constructing a curved track and suitable switches, as that, between the city of New Bedford and the town of Fall River, an engine and cars may be run direct from the one place to the other.

Concerning the
curve.

SECTION 2. In locating and constructing said track, the curve shall be regular, and of not less than six hundred nor more than one thousand feet radius.

Powers.

SECTION 3. Said corporations, at joint expense, or in such manner as may be mutually agreed upon, may procure and run such engines and cars as may be necessary and convenient to accommodate the travel and business between the aforesaid places.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1848.*]

Chap. 84.

An Act to authorize the Old Colony Railroad Corporation to widen their Railroad between Boston and South Braintree, and to make branches in Quincy and Dorchester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation
may widen
their road be-
tween Boston
and South
Braintree.

SECTION 1. The Old Colony Railroad Corporation are hereby authorized, for the purpose of constructing a second track, to take and hold any additional land, and other real estate, which they may require therefor, not exceeding twenty feet in width, on either side of their railroad, between their bridge, a little south of the passenger depot in Boston, and their depot in South Braintree, and may locate and construct such second track, and any part thereof, upon the land thus taken; and said corporation may take part of such land on one side and part on the other side of their railroad.

SECTION 2. Said corporation, for the purpose of constructing such second track, may widen all bridges over any waters on their route, and lengthen the draws thereof, and may alter, and widen, and raise, all bridges on said route, over or under any street, or turnpike, or public way, or private way, on said route, and may alter such streets, turnpikes, or ways, so far as shall be necessary; but said corporation shall be required to make such draws convenient for the passage of all classes of vessels now passing the same, and shall be required to tend such draws in the same manner as they are now required to tend the same.

Bridges, draws, and streets.

SECTION 3. Said corporation are further authorized to construct a branch railroad, commencing at some point in the main line in Quincy, a little south of the turnpike on the south-easterly side of Neponset River, and thence running through or near a certain gravel-hill, called Mount Hope, to the Granite Railway, a distance of about one and a third miles.

May construct a branch road in Quincy.

SECTION 4. Said corporation may contract with the Granite Railway Company, for the purchase or use of their railroad, real estate, and franchises, and, upon such purchase, shall succeed to and enjoy all the rights and privileges now held and enjoyed by said Granite Railway Company.

May contract with Granite Railway Company for their road.

SECTION 5. The Old Colony Railroad Corporation are further authorized to locate, construct, and maintain a branch railroad, commencing at some convenient point on the main line between Neponset River and Harrison Square, in Dorchester; and thence running towards Commercial Point to deep water; and said corporation may construct and connect therewith, wharves extending into deep water, suitable for large vessels, and may erect suitable depots thereon: *provided*, that if the road shall cross any navigable stream, a suitable draw shall be built and maintained for the accommodation of all vessels having occasion to pass the same.

May construct a branch in Dorchester.

Proviso.

SECTION 6. The Old Colony Railroad Corporation, in locating and constructing their second track, widening and raising their bridges, and locating and constructing said branch railroads, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which are now, or may hereafter be, in force, relating to railroad corporations in this Commonwealth.

Duties and liabilities in the premises.

SECTION 7. The said company, for the purposes aforesaid, are hereby authorized to increase their capital stock by adding thereto the sum of one hundred thousand dollars.

May add \$100,000 to capital stock.

SECTION 8. No alteration shall be made in any way, street, or turnpike, in the city of Boston, under or by virtue

No alteration in Boston without

approval by
mayor and al-
dermen.

of this act, unless such alteration shall first be approved by the mayor and aldermen of said city.

SECTION 9. This act shall take effect from and after its passage. [Approved by the Governor, March 27, 1848.]

Chap. 85.

An Act for the protection of Pigeon Beds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty of
\$10 00, and
actual damages,
for attempting
to kill or fright-
en pigeons from
net beds.

SECTION 1. If any person shall attempt to kill or frighten pigeons from beds made for the purpose of taking them in nets, by firing guns, or by any other means, within one hundred yards of the same, except on lands owned or occupied by himself, he shall forfeit and pay, to the owner or occupant of such lands, or to the owner or occupant of such beds, the sum of ten dollars, in addition to the actual damages sustained, to be recovered by such owner or occupant in an action of trespass.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, March 31, 1848.]

Chap. 86.

An Act to increase the Capital Stock of the Barnstable Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
increase capital
stock by adding
\$50,000 dollars.

SECTION 1. The president, directors, and company of the Barnstable Bank, in Yarmouth, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the first Monday in February next.

Provido.

Liabilities.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate to be
returned to the
secretary of the
Commonwealth.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [Approved by the Governor, April 1, 1848.]

Chap. 87.

An Act to increase the Capital Stock of the Hampshire Manufacturers' Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
add \$50,000 to
capital stock.

SECTION 1. The president, directors, and company of the Hampshire Manufacturers' Bank, in Ware, are author-

ized to increase their capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct: *provided*, that the whole amount shall be paid in, on or before the first Monday of February next. Proviso.

SECTION 2. The additional stock aforesaid shall be subject to the like tax, regulations, and provisions, to which the present capital stock of said bank is now subject. Liabilities.

SECTION 3. Before said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *[Approved by the Governor, April 1, 1848.]* Certificate to be returned to the secretary of the Commonwealth.

An Act to increase the Capital Stock of the Bank of Brighton.

Chap. 88.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The president, directors, and company, of the Bank of Brighton, in Brighton, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in, on or before the first Monday in February next. Authorized to add \$50,000 to capital stock.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject. Proviso.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *[Approved by the Governor, April 1, 1848.]* Liabilities.

An Act to increase the Capital Stock of the Central Bank in Worcester.

Chap. 89.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The president, directors, and company, of the Central Bank, in Worcester, are authorized to increase their capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of Certificate to be returned to the secretary of the Commonwealth.

Authorized to add \$50,000 to capital stock.

Proviso. said bank may direct: *provided*, that the whole amount shall be paid in, on or before the first Monday in February next.

Liabilities. SECTION 2. The additional stock aforesaid, shall be subject to the like tax, regulations, and provisions, to which the present capital stock of said bank is now subject.

Certificate to be returned to the secretary of the Commonwealth. SECTION 3. Before said corporation shall proceed to do business upon such additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [Approved by the Governor, April 1, 1848.]

Chap. 90.

An Act to increase the Capital Stock of the Framingham Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to add \$50,000 to capital stock. SECTION 1. The president, directors, and company, of the Framingham Bank, in Framingham, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in on or before the first Monday in February next.

Proviso.

Liabilities.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate to be returned to the secretary of the Commonwealth. SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [Approved by the Governor, April 1, 1848.]

Chap. 91.

An Act to increase the Capital Stock of the Fitchburg Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to add \$50,000 to capital stock. SECTION 1. The president, directors, and company, of the Fitchburg Bank, in Fitchburg, are hereby authorized to increase their capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in, on or before the first Monday in February next.

Proviso.

Liabilities.

SECTION 2. The additional stock aforesaid, when paid

into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 3, 1848.*]

Certificate to be returned to the secretary of the Commonwealth.

An Act to increase the Capital Stock of the Boylston Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company, of the Boylston Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid, either in whole, or in such instalments as the president and directors of said bank may direct: *provided*, that the whole amount shall be paid in before the expiration of one year from the date of this act.

Authorized to add \$50,000 to capital stock.

Proviso.

SECTION 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Liabilities.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and a majority of the directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 3, 1848.*]

Certificate to be returned to the secretary of the Commonwealth.

An Act to incorporate the Haverhill Foundry and Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. James E. Ames, Alfred Kittredge, and Charles Carleton, their associates and successors, are hereby made a corporation, by the name of the Haverhill Foundry and Machine Shop, for the purpose of manufacturing machinery, steam-engines, and all work connected with this branch of business, in the town of Haverhill, county of Essex, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For the manufacture of machinery, steam-engines, &c., in Haverhill.

Chap. 93.

SECTION 2. Said corporation may hold real and personal

Estate, real and personal, not to exceed \$50,000.

estate, necessary and convenient for the purposes aforesaid, not exceeding in amount fifty thousand dollars. [Approved by the Governor, April 5, 1848.]

Chap. 94.

An Act to incorporate the Stockbridge Union Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For the manufacture of cotton and woolen goods, and paper, in Stockbridge.

SECTION 1. Asa Perry, Marshall Warner, George Warner, their associates and successors, are hereby made a corporation, by the name of the Stockbridge Union Manufacturing Company, for the purpose of manufacturing cotton and woolen goods, and paper, in the town of Stockbridge, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$200,000.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real and personal estate, not exceeding in value two hundred thousand dollars. [Approved by the Governor, April 5, 1848.]

Chap. 95.

An Act to incorporate the Mechanics and Farmers Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

For insurance against loss by fire, on the mutual principle, for 28 years, in Stockbridge.

Charles M. Owen, Horatio Byington, Jonathan E. Field, their associates and successors, are hereby made a corporation, by the name of the Mechanics and Farmers Mutual Fire Insurance Company, in the town of Stockbridge, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no policy shall be issued by this company until the sum of one hundred thousand dollars shall be subscribed to be insured. [Approved by the Governor, April 5, 1848.]

Proviso.

Chap. 96.

An Act to increase the Capital Stock of the Chicopee Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to add \$100,000 to capital stock.

SECTION 1. The president, directors, and company, of the Chicopee Bank, in Springfield, may increase their present capital stock, by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the

Proviso.

whole amount shall be paid in, on or before the first Monday of April, in the year one thousand eight hundred and forty-nine.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject. Liabilities.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *[Approved by the Governor, April 5, 1848.]* Certificate to be returned to the secretary of the Commonwealth.

An Act to increase the Capital Stock of the Agawam Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company, of the Agawam Bank, in Springfield, may increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine : *provided*, that the whole amount shall be paid in, on or before the first Monday of April, in the year one thousand eight hundred and forty-nine. Authorized to add \$100,000 to capital stock,

Proviso.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock is subject. Liabilities.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. *[Approved by the Governor, April 5, 1848.]* Certificate to be returned to the secretary of the Commonwealth.

An Act relating to Town and Private Ways.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. When any town or private way shall be laid out, altered, or widened, by selectmen or county commissioners, they shall, in their report or return thereof, allow the owner of the land through which said way may pass, a reasonable time to take off his trees, fences, and other property, which may obstruct the building of such way.

When town or private way is laid out, &c., owners of land, through which, &c., shall have time to remove fences and other property.

Chap. 97.

Chap. 98.

What shall be construed to be a waiver of right to remove, &c.

SECTION 2. If said owner shall not remove the same within the time allowed for that purpose, he shall be deemed to have relinquished his right thereto for the benefit of the town, if said way be a town way; and if said way be a private way, for the benefit of such person or persons as said selectmen or county commissioners shall determine.

Same provisions in case of a jury being ordered.

SECTION 3. If a jury shall be ordered to assess the damages done by the location, alteration, or widening, of such way, they may extend the time for the owner of the land to remove his trees, fences, and other property, as aforesaid; and if the owner shall neglect to remove the same within such extended time, he shall be deemed to have relinquished his claim thereto, as before provided. [*Approved by the Governor, April 5, 1848.*]

Chap. 99.

An Act to incorporate the Ocean Mutual Health Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporation for health insurance, in Gloucester.

SECTION 1. John L. Rogers, Samuel Giles, Samuel Stevens, their associates and successors, are hereby made a corporation, by the name of the Ocean Mutual Health Insurance Company, to be established in the town of Gloucester, for the purpose of making assurances upon health, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation.

Capital stock not to exceed \$50,000.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed; and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of such subscription, be secured to be paid, by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after the demand shall have been made in some newspaper printed in the town of Gloucester, or in the county of Essex, or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

Instalments, how to be paid or secured.

Corporation not to exercise its full powers until 400 shares of capital stock are paid in or secured.

SECTION 3. Until four hundred shares shall have been subscribed for, and until the instalment aforesaid shall have been actually paid in, and until the residue of such subscriptions shall have been secured to be paid in the manner stated, said corporation shall have power to insure the health of no persons excepting subscribers to the capital

stock; but after four hundred shares of said stock shall have been subscribed for, and paid in, or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

SECTION 4. The capital stock of said corporation shall be invested, at the discretion of the directors, either in loans secured by mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, of any bank in this Commonwealth, or in loans to towns. Said corporation may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Capital stock,
how to be in-
vested.

Real estate not
to exceed
\$10,000.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance to be struck, of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum not exceeding six per cent. per annum on the amount of capital stock actually paid in, in proportion to the amounts held by them respectively, if so much remain after paying said losses and expenses, and providing for said risks; and in case said dividend shall not be paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Concerning
dividends.

SECTION 6. After providing for risks, losses, and incidental expenses, and dividends, as is set forth in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors and applied toward the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among stockholders, shall never exceed eight per cent. per annum on the capital stock actually paid in; but such surplus of profits over eight per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Division of re-
maining profits.

Proviso.

Capital stock
not to be re-
duced.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of

Of dividends
remaining un-
paid.

the persons entitled thereto, for at least three weeks, in some newspaper published in Gloucester; or, in case no newspaper is published in Gloucester, then in some newspaper published in the county of Essex; and if said dividends shall not be called for within one year from the date of such advertisement, they shall be forfeited to the corporation.

Subscribers
may be required
to effect insur-
ance.

SECTION 8. The directors shall have power to require every person subscribing to the stock of the corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation, shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares, authorized by this act, shall be taken up. But insurance may be made and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

Corporation
may be sued.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after said corporation shall have been duly notified of such loss or damage; and no stockholder, or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness.

Witnesses.

Balance-state-
ment to be
made period-
ically.

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for that purpose. Such statement shall contain, first, the amount of premiums received during the said period, and the amount of interest received from investments and loans; second, the amount of the expenses of said company during the same period; third, the amount of losses incurred within said term; fourth, the balance remaining with said company; fifth, the nature of the securities in which the said balance is invested, and the amount of cash on hand, and an account of the existing policies. The president of the company shall, within thirty days after such statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

To contain
amount of pre-
miums;

do. of expenses;
do. of losses;
balance re-
maining;
nature of se-
curities, amount
of cash, &c.

Copy to be re-
turned to secre-
tary of Com-
monwealth.

SECTION 11. Nothing contained in this act shall be so

construed, as to authorize said company to engage in life insurance, or in any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk. [*Approved by the Governor, April 5, 1848.*]

Risks not to be taken on lives; nor more than \$400 on one risk.

An Act to incorporate the New London, Willimantic, and Palmer Railroad Corporation.

Chap 100.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Andrew W. Porter, Franklin Newell, Elisha Converse, Sylvester Parks, William N. Flynt, their associates and successors, are hereby made a corporation, by the name of the New London, Willimantic, and Palmer Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other general laws which have been, or shall be, passed, relative to railroad corporations, in this Commonwealth.

Persons incorporated.

SECTION 2. Said corporation may locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the line of the Western Railroad, at or near the depot of said railroad in the town of Palmer, by the most convenient route, southerly, to and across the Chicopee River, near the dwelling-house of Rufus F. Fay; thence, southerly, near the Centre and North Factory Village, and the West Branch Factory, in the town of Monson, to a point on the southern line of the State, in said town, near the premises of Cyrus Dunbar, with a view to unite the said railroad with a railroad authorized by the legislature of Connecticut, from New London to the line of the State of Massachusetts.

Route of railroad.

SECTION 3. The capital stock of said corporation shall consist of not more than two thousand shares; the number of which shall, from time to time, be determined by the directors of said corporation; and no assessment shall be laid thereon, of a greater amount in the whole than one hundred dollars on each share; and said corporation may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Capital stock not more than \$200,000, in shares of \$100.

SECTION 4. Said corporation may enter upon, and unite their railroad, by proper turn-outs and switches, with the Western Railroad, at some convenient point at or near the Palmer Depot in the town of Palmer, and may use the same, under the provisions and restrictions of the laws relating to railroads in this Commonwealth.

May enter upon Western Railroad in Palmer.

Legislature may authorize the use of this road by any other company.

SECTION 5. The legislature may authorize any company to enter with another railroad upon, and use, the said New London, Willimantic, and Palmer Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said New London, Willimantic, and Palmer Railroad Corporation may prescribe, or as may be determined according to the provisions of law.

May reduce the rates of fare after five years.

SECTION 6. The legislature may, after the expiration of five years from the time when the said railroad shall be opened for use, from time to time, reduce the rates of toll, or other profits, upon said road; but the same shall not be so reduced, without the consent of said corporation, as to yield, with said profits, less than ten per cent. per annum to the stockholders.

Organization, and location of route; act when void.

SECTION 7. If said corporation shall not be organized, and if the location of the route of said road shall not be filed with the county commissioners of the county of Hampden, within two years from the passage of this act, or if said corporation shall fail to complete said road within four years from the passage of this act, then this act shall be void.

Union of this corporation with a similar corporation in Connecticut.

SECTION 8. The persons who shall become stockholders in the New London, Willimantic, and Springfield Railroad Company, incorporated by the legislature of the State of Connecticut, in the year one thousand eight hundred and forty-seven, may, by vote duly passed at a legal meeting, and with the consent of the corporation hereby created, become stockholders of said last-named corporation, and thereupon said two corporations shall become united into one corporation, by the name of the New London, Willimantic, and Palmer Railroad Corporation, with a capital not exceeding the amount of the joint capital of both corporations; and all the tolls, franchises, rights, powers, privileges, and property, granted or to be granted, acquired or to be acquired, under the authority of the State of Connecticut or of this State, shall be held and enjoyed by all the said stockholders, in proportion to their number of shares in either or both of said corporations.

To act as one corporation after union.

Proviso.

SECTION 9. After the said union shall have been perfected, the said stockholders shall hold their meetings, make their by-laws, appoint their officers, and transact all their business, as one corporation: *provided*, that one or more of the officers of said corporation shall be resident in this Commonwealth, and one or more of them in the State of Connecticut, on whom process against said corporation may, if the legislature of the State of Connecticut shall concur in this provision, be legally served in either state; and said corporation shall be held to answer within the jurisdiction where such service shall be made, and where the process may be returnable.

SECTION 10. The share or shares of any stockholder, in said corporation, shall, if the legislature of the State of Connecticut shall concur in this provision, be liable to attachment, and to be taken on execution, in the State where such stockholder shall reside at the time of the service of such process: *provided*, that the laws of such State authorize the attachment and taking on execution of such property; and an attested copy of such writ or execution, and of the return of the officer thereon, shall, at the time of such service, be left with the clerk, or a director of said corporation, or at his usual place of abode, by the officer making the service.

Attachment of shares.

Proviso.

SECTION 11. Said corporation shall so make out and keep an account of the expenditures on said road, from its commencement to its completion, as clearly to exhibit what portion thereof may belong to that part of said road situated in Massachusetts, and what portion to that part in Connecticut. And two commissioners may be appointed, one by the governor of each State, to hold their offices for the term of four years, and to be reasonably compensated for their services by said corporation, who shall ascertain what proportion of expenditures on said road, and of all expenses attending its construction, maintenance, and use, and also what proportion of the receipts and profits of said railroad, shall properly appertain and belong to the portions of said road in each State respectively. And the annual report, required to be made by the directors to the legislature of this Commonwealth, shall be approved by the said commissioners.

Distinct accounts of expenditures in each State.

Commissioners.

SECTION 12. Said corporation, so far as their road may be situated in Massachusetts, shall be subject to the general laws of this State, to the same extent as if their road were wholly therein.

United corporation subject to the laws of Massachusetts, how far.

SECTION 13. This act shall take effect from and after its passage: *provided*, that the eighth, ninth, tenth, and eleventh sections of this act shall not take effect, until the legislature of the State of Connecticut shall have enacted provisions similar to those contained in said sections; nor until the provisions so enacted in each State shall have been accepted by the stockholders of each of said corporations, at meetings duly called for the purpose; nor until the same shall have been accepted by the stockholders of said united corporation, at a meeting called for the purpose, at which meeting they may ratify and confirm all or any of their former doings, and may adopt them as the acts and doings of said united corporation. [*Approved by the Governor, April 10, 1848.*]

This act, how and when to take effect.

Chap 101.

An Act to incorporate the Housatonic Agricultural Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Persons incorporated.

For the encouragement of agriculture, &c. in Great Barrington.

Estate, real and personal, not to exceed \$15,000 of each.

Seth Norton, Edward P. Woodworth, Gilbert Munson, their associates and successors, are hereby made a corporation, by the name of the Housatonic Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Great Barrington, in the county of Berkshire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-second and forty-fourth chapters of the Revised Statutes, and in all subsequent acts concerning agricultural societies. And said corporation may hold and manage real estate not exceeding in value fifteen thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid, any provisions of law to the contrary notwithstanding. [*Approved by the Governor, April 10, 1848.*]

Chap 102.

An Act to incorporate the Amherst Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECTION 1. Samuel L. Hinckley, John Dickinson, Junior, Jason Stockbridge, their associates and successors, are hereby made a corporation, by the name of the Amherst Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to railroad corporations, and in all general laws which are now, or may be hereafter, in force relating to railroad corporations in this Commonwealth.

Capital Stock not to exceed \$250,000.
Shares \$100.

SECTION 2. The capital stock of said company shall not exceed two thousand five hundred shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessments shall be laid thereon, of a greater amount in the whole than one hundred dollars on each share; and said company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

To construct a road from Amherst to Northampton or southerly part of Hatfield.

SECTION 3. The said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Amherst, within half a mile of Amherst College, through the town of Hadley, to some point on the Connecticut River Railroad in Northampton, or in the southerly part of Hatfield; and said company are empowered, for the purposes of said railroad, to construct and maintain a bridge across the Connecticut Riv-

er, at any point between the Northampton Bridge and the site of the old Hatfield Bridge.

SECTION 4. The said company may enter upon and unite their railroad with the Connecticut River Railroad, at any point within the town of Northampton, or in the southerly part of Hatfield, as is provided in the third section of this act, not interfering with the depot buildings of said Connecticut River Railroad, and may use the same, or any part thereof, upon such terms as may be mutually agreed upon between the said corporations, or as are, or may be, prescribed by law.

Railroad to be united with the Connecticut River Railroad.

SECTION 5. If the said company be not organized, and if the location of their said road be not filed, according to law, within the year one thousand eight hundred and forty-nine, and if said railroad be not completed and opened for use within eighteen months thereafter, then this act shall be void.

Location to be filed within the year 1849.
Road to be completed by July 1st, 1851.

SECTION 6. The legislature may, from time to time, alter or reduce the rate of tolls or other profits on said road; but said tolls or other profits shall not, without the consent of said company, be so reduced as to yield less than ten per cent. per annum to the stockholders.

Legislature may reduce tolls.

SECTION 7. The company hereby established, by a vote of its stockholders, at a meeting called for that purpose, may become united with the Connecticut River Railroad Company: *provided*, that the stockholders of the Connecticut River Railroad Company, at a meeting called for that purpose, shall agree to the same. And when such union shall have been made, said corporations so united shall have, possess, and hold, all the property, rights, privileges and franchises, and be subject to all the duties, restrictions and liabilities, which said corporations so united had enjoyed and been subject to under their respective charters, and shall bear the name of the Connecticut River Railroad Company.

This corporation may become united with the Connecticut River Railroad Comp.

SECTION 8. This act shall take effect from and after its passage. [Approved by the Governor, April 10, 1848.]

An Act to incorporate the Society of Boston and vicinity, for the aid of German Immigrants.

Chap 103.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Bernard Roelker, F. A. Hirsch, and C. H. F. Moring, their associates and successors, are hereby made a corporation by the name of the Society of Boston and vicinity, for the aid of German immigrants, to be established in the city of Boston, for the purpose of rendering assistance to German immigrants arriving in the port of Boston, and of giving aid to those German immigrants who, from sickness or utter destitution, might become a charge upon the

Persons incorporated.

For the aid of German immigrants.

public, and also of protecting them from imposition; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Personal estate
\$3,000.

SECTION 2. Said corporation may hold personal estate to the amount of three thousand dollars.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1848.*]

Chap 104.

An Act concerning the Hampshire and Franklin Railroad Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for con-
structing road
extended to
Feb. 1st, 1849.

SECTION 1. The time fixed by the original act incorporating the Hampshire and Franklin Railroad Corporation, for the construction of said railroad, is hereby extended one year from the first day of February next.

To be accepted
by stockholders,
otherwise the
act to be void.

SECTION 2. This act shall be void, unless it shall be accepted by a majority of the stockholders in said corporation, at a meeting legally held for that purpose, within ninety days from the passage of this act.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 10, 1848.*]

Chap 105.

An Act giving further time to the President, Directors, and Company, of the Bank of Norfolk, to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time extended
to April 24,
1850.

The president, directors and company, of the Bank of Norfolk, are hereby continued a body corporate, for the period of two years from the twenty-fourth day of April in the year one thousand eight hundred and forty-eight, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [*Approved by the Governor, April 13, 1848.*]

Chap 106.

An Act concerning the Barre and Worcester Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for loca-
tion extended
to January 1,
1849.

SECTION 1. The time within which the Barre and Worcester Railroad Company may file the location of their railroad, is hereby extended to the first day of January next.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1848.*]

An Act to establish the Harvard Branch Railroad.

Chap 107.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William L. Whitney, Samuel Batchelder, Oliver Hastings, their associates and successors, are hereby made a corporation, by the name of the Harvard Branch Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other general laws which have been, or shall hereafter be, passed, relative to railroad corporations.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct, and maintain a railroad, with one or more tracks, from some convenient point on the Fitchburg Railroad, near the bleachery, in Somerville, to some convenient point near the Common, in Cambridge : *provided*, that said railroad shall pass between the house of John G. Palfrey and Divinity Hall.

Road to be constructed from Somerville to Cambridge.

SECTION 3. The capital stock of said corporation shall not exceed four hundred shares, the number of which shall be determined, from time to time, by the directors of said corporation ; and no assessments shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share ; and the said corporation may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

Capital stock, \$40,000 ; shares, \$100.

SECTION 4. If the location of said road be not filed within one year, and if said railroad be not constructed within two years, from the passage of this act, then this act shall be void.

Location to be filed in one year ; road to be finished within two years.

SECTION 5. Said corporation are hereby authorized to dispose of their franchise, and all their rights under this act, to the Fitchburg Railroad Company, on such terms as shall be agreed upon by the said corporations respectively. And if said Harvard Branch Railroad Corporation shall thus transfer its franchise and rights to the Fitchburg Railroad Company, the said Fitchburg Railroad Company are hereby authorized to increase their capital stock by the sum of forty thousand dollars.

Franchise, &c., may be sold to Fitchburg Railroad Company.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 17, 1848.*]

An Act to incorporate the Newton Bank.

Chap 108.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. William Jackson, J. H. Richardson, Lemuel

Corporation for
a bank in New-
ton, until 1851,
October 1st.

Crehore, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company, of the Newton Bank, to be located in the vicinity of Newton Corner, so called, in the town of Newton; and to continue a corporation until the first day of October, in the year one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Capital stock,
\$100,000;
shares \$100.

SECTION 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in, on or before the first Monday in April, in the year one thousand eight hundred and forty-nine.

Transfer of
stock.

SECTION 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, April 17, 1848.*]

Chap 109.

An Act to incorporate the Grocers' Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporation in
Boston to con-
tinue till Octo-
ber 1, 1851.

SECTION 1. Samuel G. Reed, Ephraim Lombard, Winslow Whittemore, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company, of the Grocers' Bank, to be located in the city of Boston, and to continue a corporation until the first day of October, in the year one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

Capital stock
\$250,000;
shares \$100.

SECTION 2. The capital stock of said bank shall consist of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each; to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in, on or before the first Monday in April, in the year one thousand eight hundred and forty-nine.

Stock transfer-
able only at
banking-house.

SECTION 3. The stock of said bank shall be transferable only at its banking-house, and in its books. [*Approved by the Governor, April 17, 1848.*]

Chap 110.

An Act to incorporate the Bank of Barre.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporation in
Barre, to con-
tinue till Octo-
ber 1, 1851.

SECTION 1. Edward Denny, J. W. Jenkins, Jr., Jason Gorham, their associates and successors, are hereby made a

corporation, by the name of the President, Directors, and Company, of the Bank of Barre, to be located in the town of Barre, and to continue a corporation until the first day of October, in the year one thousand eight hundred and fifty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth relative to banks and banking.

SECTION 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in, on or before the first Monday in April, in the year one thousand eight hundred and forty-nine.

Capital stock
\$100,000;
shares, \$100.

SECTION 3. The stock of said bank shall be transferable only at its banking-house and in its books. [*Approved by the Governor, April 17, 1848.*]

Transfer of
stock.

An Act to increase the Capital Stock of the Milk Row Bleachery Company, and to alter the Name of said company. *Chap 111.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Milk Row Bleachery Company are hereby authorized to increase their capital stock, by adding thereto the sum of fifty thousand dollars, so that the whole capital stock of said corporation may amount to the sum of one hundred thousand dollars.

Capital stock
increased
\$50,000.

SECTION 2. The name of said corporation is hereby altered to the Somerville Dyeing and Bleaching Company. [*Approved by the Governor, April 17, 1848.*]

Name altered.

An Act to incorporate the Cheshire Iron Works.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. James N. Richmond, George M. Wells, Russell C. Brown, their associates and successors, are hereby made a corporation by the name of the Cheshire Iron Works, for the purpose of manufacturing iron in the town of Cheshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated.

To manufacture
iron in Cheshire.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real and personal estate, not exceeding in value two hundred thousand dollars. [*Approved by the Governor, April 17, 1848.*]

Estate, real and
personal, not to
exceed
\$200,000.

Chap 112.

Chap 113.

An ACT to incorporate the Shaw Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SECTION 1. Warren Shaw, Elijah Shaw, Esek Luther, their associates and successors, are hereby made a corporation, by the name of the Shaw Manufacturing Company, for the purpose of manufacturing cotton and woolen goods in the town of Wales, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and
personal, not to
exceed \$50,000.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real and personal estate not exceeding in value fifty thousand dollars. [*Approved by the Governor, April 17, 1848.*]

Chap 114.

An ACT to incorporate the Billerica Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Marshall Preston, John Baldwin, and Joshua Bennett, their associates and successors, are hereby made a corporation, by the name of the Billerica Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which are now, or may be hereafter, in force respecting railroads in this Commonwealth.

To construct a
railroad within
the town of
Billerica.

SECTION 2. The said corporation is hereby authorized to locate, construct, and maintain, a railroad within the town of Billerica, in the county of Middlesex, commencing at some convenient point on the Boston and Lowell Railroad, at or near the Billerica and Tewksbury Depot, so called, and thence running, in a south-westerly direction, to some suitable point for a depot, at or near the First Parish meeting-house, in the centre of said town of Billerica.

Capital stock
\$50,000.

SECTION 3. The capital stock of said corporation shall consist of not more than five hundred shares of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said corporation; and the said corporation may take, purchase, and hold, such real estate, on the line of said railroad, and may purchase and hold such cars, engines, and other personal property, as may be necessary and convenient for the purposes of their incorporation.

Road may be
united with Bos-

SECTION 4. The corporation hereby established, may enter upon, and unite their railroad, by proper turnouts and

switches, with the Boston and Lowell Railroad, at some convenient place in said Billerica, and use said Boston and Lowell Railroad, or any part thereof, by complying with such reasonable rules and regulations, as said Boston and Lowell Railroad Corporation may prescribe, or as may be determined according to the provisions of law.

SECTION 5. The legislature may authorize any corporation to enter, with another railroad, upon and use the said Billerica Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the Billerica Branch Railroad Corporation may prescribe, or as may be determined according to the provisions of law.

SECTION 6. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said railroad; but the said tolls or profits shall not, without the consent of said corporation, be so reduced, as to produce less than ten per cent. per annum upon the investment of said corporation.

SECTION 7. If said corporation be not organized, and the location of their road filed with the county commissioners of the said county of Middlesex, within two years from the passing of this act, and if their said road shall not be constructed within three years from said time, this act shall be void.

SECTION 8. Said Billerica Branch Railroad Corporation are hereby authorized and empowered to transfer their rights, privileges, and franchise, under this charter, to the Boston and Lowell Railroad Corporation; and said Boston and Lowell Railroad Corporation are hereby authorized to receive and hold the same, whenever a majority, in interest, of the stockholders of the two corporations respectively shall elect so to do; and, for this purpose, the Boston and Lowell Railroad Corporation may increase their capital stock to the amount of fifty thousand dollars.

SECTION 9. This act shall take effect from and after its passage. [Approved by the Governor, April 18, 1848.]

An Act to change the Name of the Catholic Congregational Church and Society in the Second Precinct in the town of Rehoboth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Catholic Congregational Church and Society in the second precinct in the town of Rehoboth, incorporated on the nineteenth day of June, in the year one thousand seven hundred and ninety-two, shall be known and called by the name of the Congregational Church and Society in Rehoboth, and as such shall hold and possess all the property, and be entitled to all the rights and privileges,

Rights and liabilities.

and be subject to all the liabilities, of said Catholic Congregational Church and Society, in the second precinct in the town of Rehoboth.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 18, 1848.]

Chap 116.

An Act relating to the Alewife Fishery in the North River.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Clause of former act, prescribing the length of seines, repealed.

Proviso.

SECTION 1. So much of the act passed February twenty-fifth, in the year one thousand eight hundred and fifteen, as prescribes the length of seines to be used in the North River in the taking of alewives, be and the same is hereby repealed : *provided, however*, that the legal rights of any persons and corporations, who may have commenced suits under the provisions of the law hereby repealed, shall remain the same as before the passage of this act.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 18, 1848.]

Chap 117.

An Act to incorporate the Fall River Print Works.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation for the printing of cotton and woolen goods in Fall River.

SECTION 1. David Anthony, William Coggeshall, William R. Rodman, their associates and successors, are hereby made a corporation, by the name of the Fall River Print Works, for the purpose of printing cotton and woolen goods in the town of Fall River, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$500,000.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real and personal estate, necessary and convenient therefor, not exceeding, in amount, five hundred thousand dollars. [Approved by the Governor, April 18, 1848.]

Chap 118.

An Act to incorporate the Wanalancet Iron and Tube Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. James J. Walworth, Leavitt Nason, Nathaniel G. Eliot, their associates and successors, are hereby made a corporation by the name of the Wanalancet Iron and Tube Company, for the purpose of manufacturing articles of iron, brass, and tin, in the town of Malden ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth

To manufacture articles of iron, brass, and tin, in Malden.

in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate, not exceeding in value the sum of two hundred thousand dollars. [Approved by the Governor, April 18, 1848.]

Estate, real and personal, not to exceed \$200,000.

An Act to repeal certain Provisions of Law in relation to the Small-Pox. *Chap 119.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. So much of the first and second sections of the two hundred and forty-fourth chapter of the acts of the year one thousand eight hundred and thirty-seven, as relates to the small-pox, is hereby repealed.

Repeal.

SECTION 2. This act shall not have the effect to revive any statute law heretofore existing, in reference to the small-pox. [Approved by the Governor, April 18, 1848.]

Former laws not to be revived.

An Act concerning the Hancock Free Bridge Corporation.

Chap 120.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Hancock Free Bridge Corporation are hereby authorized to repair the avenues to the West Boston Bridge and Canal Bridge, and the bridges thereon, that have heretofore been maintained by the respective corporations to which said bridges heretofore belonged, as far as the directors of said Hancock Free Bridge Corporation shall deem such repairs expedient, for the purpose of promoting the travel over said West Boston Bridge and said Canal Bridge; and any expenses heretofore incurred by said corporation, in such repairs, for such purpose, are hereby sanctioned and allowed: *provided*, that this act shall not be construed to increase or diminish, or in any way affect, the legal liability of said Hancock Free Bridge Corporation to repair and maintain such avenues and bridges thereon. [Approved by the Governor, April 18, 1848.]

Authorized to repair avenues to West Boston and Canal Bridges.

Proviso.

An Act relating to Annual Meetings of Banks.

Chap 121.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. If, from any cause, the name of any bank or banks shall be omitted in the Bank Abstract published by the secretary of the Commonwealth, the annual meeting of such bank or banks, for the year following such omission, shall be held in the order of the dates of their charters, on the day or days succeeding that on which the annual meet-

Annual Meetings of banks omitted in the Bank Abstract.

ing of the bank last named in said abstract shall have taken place.

Doings at annual meeting held in November, 1847, declared valid.

SECTION 2. The doings of any bank in this Commonwealth, at an annual meeting held in the month of November, in the year one thousand eight hundred and forty-seven, shall be held good and valid, in the same manner as if said meeting had been held in the month of October, in the same year.

Modification of provisions in former acts on this subject.

SECTION 3. So much of the first section of the one hundred and ninety-sixth chapter of the acts passed in the year one thousand eight hundred and thirty-eight, as is inconsistent with the tenth section of the ninety-third chapter of the acts passed in the year one thousand eight hundred and forty-three, is hereby repealed. [*Approved by the Governor, April 18, 1848.*]

Chap 122.

An Act in addition to "An Act to incorporate the Proprietors of the Northfield Bridge."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to change location of bridge.

SECTION 1. The second section of the one hundred and thirty-third chapter of the statutes of the year one thousand eight hundred and forty-six, is hereby so far amended, as to authorize and empower said proprietors to erect and maintain said bridge in said town of Northfield, at any convenient point between the mouth of Mill Brook and the dwelling-house of George Holton, standing on the west bank of Connecticut River.

To transfer franchise, &c., to Vermont and Massachusetts Railroad Company.

SECTION 2. The said proprietors are hereby authorized and empowered to assign and transfer their franchise, with all the rights, privileges, and immunities, secured to them by their act of incorporation, passed on the twentieth day of March, in the year one thousand eight hundred and forty-six, and this act, to the Vermont and Massachusetts Railroad Company; and said Vermont and Massachusetts Railroad Company are hereby authorized and empowered to receive said assignment and transfer, and shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, contained in this act, and in the act to which this is additional.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 18, 1848.*]

Chap 123.

An Act relating to Fees of Witnesses in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fees of witnesses before county

To each person attending as a witness in any case, before the county commissioners of any county, or before any

jury, summoned to assess damages under chapters twenty-four, thirty-nine, and one hundred and sixteen, of the Revised Statutes, and all acts in addition thereto or in amendment thereof, there shall be paid, for his attendance, one dollar each day, and four cents a mile for his travel out and home; and all acts, and parts of acts, heretofore passed, inconsistent herewith, are hereby repealed. [Approved by the Governor, April 18, 1848.]

commissioners,
or a jury to as-
sess damages.

An Act to incorporate the Lowell Traders' and Mechanics' Mutual Fire Insurance Company.

Chap 124.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas Hopkinson, Thomas Nesmith, Andrew C. Wheelock, their associates and successors, are hereby made a corporation, by the name of the Lowell Traders' and Mechanics' Mutual Fire Insurance Company, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

Persons incor-
porated.

For mutual fire
insurance within
the Common-
wealth.

SECTION 2. All property insured by said company shall be divided, by the directors of said company, into two distinct and separate classes. In the first class shall be insured the less hazardous description of property, and in the second class shall be insured the more hazardous description of property. The policy of each member of the company shall designate the class of risks with which he is associated: the premiums and deposit notes of each class, and the assessments for which members may become liable, shall be held and assessed to pay the losses occurring in the class to which they belong, and no other. The general expenses of the company, not strictly applicable to either class, shall be apportioned to each class, according to the amount insured in each.

Two classes of
risks.

Apportionment
of general
expenses.

SECTION 3. In any division of the funds of the corporation, and in all returns of premiums and deposits, each member shall only be entitled to receive his proportional part of the funds belonging to the class of policies with which he is associated.

Funds how di-
vided in refer-
ence to the two
classes of risks.

SECTION 4. No policy shall be issued by this company, in either class, until the sum of one hundred thousand dollars shall be subscribed, to be insured in said class. [Approved by the Governor, April 20, 1848.]

When policies
may be issued.

Chap 125.

An Act to increase the Capital Stock of the People's Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock
increased
\$50,000.

SECTION 1. The president, directors, and company, of the People's Bank, in Roxbury, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may determine: *provided*, that the whole amount shall be paid in, on or before the first Monday in February next.

Proviso.

Liabilities.

SECTION 2. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions, and provisions, to which the present capital stock of said corporation is now subject.

Certificate to be
returned to the
secretary of the
Commonwealth.

SECTION 3. Before said corporation shall proceed to do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth. [*Approved by the Governor, April 20, 1848.*]

Chap 126.

An Act to incorporate the Watuppa Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. William R. Rodman, David Anthony, William L. Lincoln, their associates and successors, are hereby made a corporation, by the name of the Watuppa Manufacturing Company, for the purpose of manufacturing cotton cloth in the town of Fall River, and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For the manu-
facturing of cot-
ton cloth, in
Fall River.

Capital stock
not to exceed
\$150,000.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate, and their whole capital stock shall not exceed one hundred and fifty thousand dollars. [*Approved by the Governor, April 20, 1848.*]

Chap 127.

An Act to incorporate the Bliss Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. William A. Crocker, Silas Shepard, Albert Barrows, their associates and successors, are hereby made a corporation, by the name of the Bliss Manufacturing Company, for the purpose of manufacturing cotton cloth,

and paper, in the town of Taunton, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For the manufacture of cotton cloth, and paper, in Taunton.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate, to the amount of forty thousand dollars, and the whole capital stock of said company shall not exceed the sum of one hundred and twenty-five thousand dollars. [Approved by the Governor, April 20, 1848.]

Estate, real and personal, \$40,000; capital stock, not to exceed \$125,000.

An Act to incorporate the Chebacco Branch Railroad Company.

Chap 128.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John Choate, Francis Burnham, Adam Boyd, Ebenezer Burnham, and David Choate, their associates and successors, are hereby made a corporation, by the name of the Chebacco Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all general laws which are now, or may be hereafter, in force, respecting railroads, in this Commonwealth.

Corporators.

SECTION 2. The said corporation is hereby authorized to locate, construct, and maintain a railroad, extending from some point near the Great Bridge, so called, or Foster's Bridge, so called, in Essex, in the county of Essex, in a westerly direction, to some convenient point of intersection with the Eastern Railroad, near the twenty-second mile-post from Boston, in the towns of Ipswich or Hamilton.

To construct a railroad, from the town of Essex, to Ipswich and Hamilton.

SECTION 3. The capital stock of said corporation shall consist of not more than five hundred shares, of one hundred dollars each, the number of which shall be determined, from time to time, by the directors of said corporation; and the said corporation may take, purchase, and hold, such real estate, on the line of said railroad, and may purchase and hold such cars, engines, and other personal property, as may be necessary and convenient for the purposes of their incorporation.

Capital stock \$50,000; shares \$100.

SECTION 4. The corporation hereby established may enter upon, and unite their railroad, by proper turnouts and switches, with the Eastern Railroad, at the point of intersection therewith mentioned in the second section, by complying with such reasonable rules and regulations as said Eastern Railroad Corporation may prescribe, or as may be determined according to the provisions of law.

May be united with the Eastern Railroad.

SECTION 5. The legislature may authorize any corporation to enter with another railroad upon, and use, the said

Legislature may authorize its use by any other company.

Chebacco Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the Chebacco Branch Railroad Corporation may prescribe, or as may be determined according to the provisions of law.

Location and completion of road.

SECTION 6. If said corporation be not organized, and the location of their road filed with the county commissioners of the said county of Essex, within two years from the passing of this act, and if the said road shall not be constructed within three years from said time, this act shall be void.

May transfer its property to Eastern Railroad Corporation.

SECTION 7. The said corporation is hereby authorized and empowered to transfer all its property, rights, privileges, and franchise, under this charter, to the Eastern Railroad Corporation; and the said Eastern Railroad Corporation are hereby authorized to receive and hold the same, whenever a majority in interest of the stockholders of the two corporations respectively shall elect so to do; and, for this purpose, the Eastern Railroad Company may increase their capital stock to the amount of fifty thousand dollars.

Legislature may reduce tolls, &c.

SECTION 8. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, alter or reduce the rate of tolls or other profits upon said railroad; but the tolls or profits shall not, without the consent of said corporation, be so reduced as to produce less than ten per cent. per annum upon the investment of said corporation.

SECTION 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 20, 1848.*]

Chap 129.

An Act to incorporate the Southbridge Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

Samuel L. Fiske, Samuel M. Lane, E. D. Ammidown, their associates and successors, are hereby made a corporation, by the name of the Southbridge Savings Bank, to be located in the town of Southbridge, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth and forty-fourth chapters of the Revised Statutes, and in all other laws of this Commonwealth relating to savings banks and institutions for savings. [*Approved by the Governor, April 20, 1848.*]

Savings bank in Southbridge.

Chap 130.

An Act to increase the Capital Stock of the Dorchester and Milton Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Dorchester and Milton Branch Railroad Company are hereby authorized to increase their capital stock, by

Capital stock increased not exceeding \$40,000.

adding thereto an amount, not exceeding forty thousand dollars, for the uses and purposes, and subject to the rules, restrictions, and regulations, applicable thereto, named in the act of incorporation of said company, and the statutes therein referred to. [*Approved by the Governor, April 20, 1848.*]

An Act to extend the Time for paying in the Capital Stock of the Cochituate Fire Insurance Company.

Chap 131.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time within which the capital stock of the Cochituate Fire Insurance Company is by law required to be paid in, is hereby extended to the fifteenth day of March, in the year one thousand eight hundred and fifty. [*Approved by the Governor, April 20, 1848.*]

Time extended to March 15th, 1850.

An Act to increase the Capital Stock of the Stony Brook Railroad Corporation.

Chap 132.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The directors of the Stony Brook Railroad Corporation are hereby authorized and empowered to increase their capital stock, to an amount not exceeding one hundred thousand dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, not exceeding one thousand, of one hundred dollars each. [*Approved by the Governor, April 20, 1848.*]

Capital stock increased not to exceed \$100,000.

An Act to authorize Neri Chase, Junior, to place Moorings.

Chap 133.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Neri Chase, Junior, is hereby authorized to place four moorings on the anchorage called the Shad Hole, near the south shore of Dennis, for the use of the Harwich and New Bedford packets: *provided*, that said moorings shall have good and sufficient buoys, that may be seen above water at all times, shall be at least one hundred and fifty feet distant from any wharf, and shall be so placed as not to obstruct vessels in going to or from any wharf; and also that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 21, 1848.*]

Four moorings on the anchorage, near south shore of Dennis.

Proviso as to buoys, &c.

Chap 134. An Act changing the place for holding certain Terms of Probate Courts in the County of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Probate Courts to be held in West Brookfield.

[Repealed by chap. 255.]

The probate courts heretofore held in the town of Brookfield, in the county of Worcester, as provided in the fifty-fifth section of the eighty-third chapter of the Revised Statutes, shall hereafter be held in the town of West Brookfield, in said county. [Approved by the Governor, April 21, 1848.]

Chap 135. An Act to authorize Nathan Fisk and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Dennis.

Nathan Fisk, and his associates, are hereby authorized to build and maintain a wharf, twenty-four feet wide, from land owned by them in the town of Dennis, between the mouths of Bass and Swan Point rivers, and to extend the same into five feet of water, at low tide, and thence easterly and westerly two hundred feet, with a width of one hundred feet, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Proviso.

Chap 136. An Act in addition to An Act to incorporate the Lowell Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Property insured to form two classes.

1st. Less hazardous.

2d. More hazardous.

Policies to designate the class of risks.

Assessments for losses in respective classes.

Proviso.

SECTION 1. All property insured by the Lowell Mutual Fire Insurance Company, from and after the first day of June next, shall be divided, by the directors of said company, into two distinct and separate classes. In the first class shall be insured the less hazardous description of property ; and in the second class shall be insured the more hazardous description of property. The policy of each member of the company shall designate the class of risks with which he is associated ; the premiums and deposit notes of each class, and the assessments for which members may become liable, shall be held and assessed to pay the losses occurring in the class to which they belong, and no other : *provided, however*, that, until property to the amount of one hundred thousand dollars shall be insured in a separate class, the whole funds of the corporation shall be held and appropriated, in the manner prescribed in the thirty-seventh chapter of the Revised Statutes, to satisfy the claims for losses which any member may be entitled to recover on his policy.

SECTION 2. The general expenses of the company, not strictly applicable to either class, shall be appropriated to each class, according to the amount insured in each.

Of general expenses, not applicable to either class.

SECTION 3. In any division of the funds of the corporation, and in all returns of premiums and deposits, each member shall only be entitled to receive his proportional part of the funds belonging to the class of risks with which he is associated.

Funds divided according to the class.

SECTION 4. This act shall not take effect, unless it be accepted by the members of the company, at a meeting to be called for that purpose. [*Approved by the Governor, April 21, 1848.*]

Act to be accepted by vote of members.

An Act authorizing the Connecticut River Railroad Company to change the Location of their Road within certain limits.

Chap 137.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Connecticut River Railroad Company are hereby authorized to change the existing location of their road between the Railroad Bridge at Willimansett, and a point at or near the dam of the proprietors of the Locks and Canals on Connecticut River; departing, at no point, more than eighty rods from the present location; and when said alteration shall be completed, said company shall be liable to all the duties, and shall enjoy all the powers, rights, and privileges, which exist under the present location.

Location of route may be changed between Willimansett Bridge and the dam, &c.

SECTION 2. The location of said alteration shall be filed with the county commissioners of the county where it is made, within one year from the passage of this act. [*Approved by the Governor, April 21, 1848.*]

Location to be filed within a year.

An Act giving further Time to the American Bank to close its concerns.

Chap 138.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The president, directors, and company, of the American Bank in the city of Boston, are hereby constituted and continued a body corporate, for the period of two years from the eighteenth day of February, in the year one thousand eight hundred and forty-seven, for the purpose of closing its concerns; and the said corporation, for the purpose aforesaid, shall, during such extended time, be entitled to all the powers and privileges which they enjoyed prior to that period, and be subject to all the duties, restrictions, and liabilities, and to all suits, actions, or proceedings at law or in equity, to which they are or might have been subject, had not this act been passed.

Corporation continued for two years from Feb. 18, 1847, to close its concerns.

SECTION 2. The doings of the said president, directors and company, since the eighteenth day of February one thou-

Doings confirmed.

sand eight hundred and forty-seven, are so far confirmed and established as to have the same force and effect as if this act had been passed prior to that date. [*Approved by the Governor, April 21, 1848.*]

Chap 139.

An Act to incorporate the Neponset Cotton Factory.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Joseph W. Revere, Joshua C. Dodge, Francis Skinner, their associates and successors, are hereby made a corporation, by the name of the Neponset Cotton Factory, for the purpose of manufacturing cotton goods in the town of Canton, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For manufacture of cotton goods in Canton.

Estate, real and personal, not to exceed \$300,000.

SECTION 2. Said corporation may hold real and personal estate, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars. [*Approved by the Governor, April 21, 1848.*]

Chap 140.

An Act in relation to the Plans and Profiles of Railroads.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To be placed in the library of the Commonwealth.

SECTION 1. All plans and profiles presented to any committee of the legislature, in the hearing of any petition for a charter for a railroad, shall be retained by such committee, and by them placed in the library of the Commonwealth.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1848.*]

Chap 141.

An Act to authorize Job Chase and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in Dennis.

Job Chase, and his associates, are hereby authorized to build and maintain a wharf, from land owned by them in the town of Dennis, to a pier, or island-wharf, near the south shore of said town, which said Job Chase and others were authorized to construct and maintain, by an act passed on the thirteenth day of March, in the year one thousand eight hundred and thirty-four; and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall not, in any wise, impair the legal rights of any person whatever. [*Approved by the Governor, April 21, 1848.*]

Proviso.

An Act concerning Forcible Entry and Detainer.

Chap 142.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever, in any case of forcible entry and detainer, within the meaning of the one hundred and fourth chapter of the Revised Statutes, judgment shall be rendered for the complainant for restitution of the premises demanded, and the defendant shall appeal therefrom, or shall remove the case to the court of common pleas, as provided in the ninth section of said chapter, he shall, before such appeal or removal shall be allowed, recognize, to the plaintiff, with sufficient surety or sureties, not only to enter the action, but also to pay all rent then due, and all intervening rent and costs; and also to pay all damages and loss which the plaintiff may sustain by reason of the withholding of the possession of the demanded premises, and by reason of any injury done thereto during such withholding, together with all costs until the restitution of the possession thereof to the complainant, in case the judgment from which the appeal is made shall be affirmed; and in case of final judgment for the plaintiff, all sums of money due to the plaintiff, upon such recognizance, may be recovered, upon a writ of *scire facias* upon the recognizance, or in an action of debt therein.

In forcible entry and detainer, for restitution of premises, defendant, on appeal, to recognize, to what extent beyond the requirements of R. S., ch. 104, sec. 10.

Scire facias, on recognizance.

SECTION 2. The first section of an act entitled, "An act relating to leasehold estates," passed on the twenty-sixth day of April, in the year eighteen hundred and forty-seven, is hereby amended, so that the payment or tender, therein provided for, shall be for all legal costs which have accrued at the time of such payment or tender, as well as for all rent then due, with the interest thereon.

First section of chap. 267, A. D. 1847, amended.

SECTION 3. All acts and parts of acts, inconsistent herewith, are hereby repealed.

Repeal of inconsistent acts.

SECTION 4. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1848.]

An Act concerning the Agricultural Branch Railroad.

Chap 143.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The time prescribed, in the act incorporating the Agricultural Branch Railroad, for locating and constructing the road, is hereby extended one year.

Time for locating and building extended one year.

SECTION 2. Said corporation is hereby authorized to enter upon, and unite their railroad, by proper turn-outs and switches, with the Framingham Branch Railroad, and use the same, and any part thereof, under the provisions and restrictions of the laws relating to railroads. [Approved by the Governor, April 21, 1848.]

May be united with Framingham Branch Railroad.

Chap 144.

An Act relating to the Recording of Executions.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Execution in writ of entry to be recorded in registry of deeds.

SECTION 1. Whenever any execution, issuing upon a judgment in a writ of entry, for the possession of real estate, shall be served by any officer, said officer shall, before the return thereof into the clerk's office, and within three months after the service, cause the execution, with his doings thereon, to be recorded in the registry of deeds for the county in which the real estate is situate, the expense of which recording shall be added to the charge of serving said execution.

Provision in case of mortgaged premises.

SECTION 2. In all cases where said execution shall have issued on a judgment for the possession of mortgaged premises, and shall have been levied, if said execution shall be afterwards satisfied by payment of the amount due on said mortgage and costs, the mortgagee, his executors, administrators, or assigns, shall, at the expense of the mortgagor, enter, on the margin of the record of said execution, an acknowledgment of satisfaction, or make to the mortgagor a deed of release, which said deed shall be recorded, with proper notes of reference to the execution discharged thereby. [*Approved by the Governor, April 21, 1848.*]

Chap 145.

An Act to incorporate the Weir Iron Foundry.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Jonathan W. Ingell, John H. Eddy, S. N. Staples, their associates and successors, are hereby made a corporation, by the name of the Weir Iron Foundry, for the purpose of manufacturing iron-castings and fire-bricks, in the town of Taunton, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For the manufacture of iron-castings, and fire-bricks, in Taunton.

Estate, real and personal, not to exceed \$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [*Approved by the Governor, April 21, 1848.*]

Chap 146.

An Act to incorporate the Clintonville Machine Shop.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Horatio N. Bigelow, Joseph B. Parker, Jotham D. Otterson, their associates and successors, are hereby made a corporation, by the name of the Clintonville Machine Shop, for the purpose of manufacturing cotton,

woolen, and other machinery, in the town of Lancaster; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

For cotton, woolen, and other machinery, in Lancaster.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate, not exceeding in value one hundred thousand dollars. [Approved by the Governor, April 21, 1848.]

Estate, real and personal, not to exceed \$100,000.

An Act to authorize Daniel Small to extend his Wharf.

Chap 147.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Daniel Small is hereby authorized to extend and maintain the wharf now owned by him, adjoining his land in Provincetown, into the harbor of said Provincetown, to six feet of water at the lowest tides, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall not in any manner impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Wharf in Provincetown may be extended.

Proviso.

An Act to extend the Time for locating the Providence, Warren, and Fall River Railroad.

Chap 148.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The time allowed to the Providence, Warren, and Fall River Railroad Company, by an act passed on the thirteenth day of April, in the year one thousand eight hundred and forty-seven, for locating their said road, is hereby extended to the thirteenth day of April, in the year one thousand eight hundred and forty-nine.

Time for locating extended to April 13th, 1849.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1848.]

An Act to authorize Silas J. Eldred and others to build a Wharf.

Chap 149.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Silas J. Eldred, and his associates, are hereby authorized to build and maintain a wharf, from land owned by them at West Falmouth Harbor, so called, in Falmouth, and to extend said wharf fifteen feet into said harbor, and shall have the right to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Wharf in West Falmouth Harbor.

Proviso.

Chap 150.

An Act concerning Tolls at Neponset Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Tolls established at Neponset Bridge.

The rates of toll, for passing over said bridge and the road connected therewith, shall hereafter be as follows, to wit:—For each horse and rider, two cents; for each cart, wagon, or sleigh, drawn by one horse, four cents; for each cart or wagon, drawn by two beasts, six cents; for each cart or wagon, drawn by three beasts, eight cents; for each cart or wagon, drawn by four beasts, ten cents, and for each additional beast, two cents; for each chaise, sulkey, carryall, or buggy, eight cents; for each coach, chariot, phaeton, or other carriage, drawn by two or more beasts, twelve cents; for each sleigh, drawn by two beasts, eight cents, and for each additional beast, two cents; for horses and neat cattle, exclusive of those in teams or ridden on, one cent each; for sheep and swine, per dozen, one cent. [Approved by the Governor, April 21, 1848.]

Chap 151.

An Act to incorporate the Neponset Wharf Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. James S. Wilder, Daniel S. Kendall, Leonard Ware, their associates and successors, are hereby made a corporation by the name of the Neponset Wharf Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land, wharves, docks and flats, situate in Dorchester, and bounded south-easterly by the channel of Neponset River, north-easterly and easterly by the channel at the mouth of said river, north-westerly by the northerly side of a creek, and south-westerly by the Old Colony Railroad, and usually known as Pine Neck, with all the easements, rights, privileges, and appurtenances to the same belonging; and said company may, within the limits aforesaid, construct docks and wharves, and shall have the right to lay vessels within and at the ends and sides thereof, and to receive dockage and wharfage therefor: *provided*, that so much of said wharves and docks as may be constructed below low-water mark shall be built on piles, which piles shall be at least six feet apart. Said company may also erect buildings on said land, and otherwise manage, improve and dispose of said property, as to them shall seem expedient: *provided*, that this act shall not in any wise impair the legal rights of any person whatever.

To hold land, wharves, &c., in Dorchester.
Bounds.

May build docks and wharves.

Proviso.

May erect buildings, &c.

Proviso.

Powers and liabilities.

SECTION 2. This corporation shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 3. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred and fifty thousand dollars. [Approved by the Governor, April 21, 1848.]

Estate, real and personal, not to exceed \$150,000.

An Act concerning the Planting of Oysters.

Chap 152.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The selectmen of any town may, by writing under their hands, grant a license, for a term of time not more than twenty years, to any person or persons, inhabitants of such town, to plant, grow, and dig, oysters upon and in any flats and creeks in such town, at any place where there is no natural oyster bed: *provided*, that said license shall not impair the private rights of any person, or materially obstruct the navigable waters of any creek or bay.

Selectmen may license, for not more than 20 years, the planting, &c., of oysters.

Proviso.

SECTION 2. All licenses so granted shall contain a description, by metes and bounds, of the flats and creeks so appropriated, and shall be recorded by the town clerk on the records of such town, before they shall be of any force or validity.

License to describe the flats and creeks, and to be recorded by town clerk.

SECTION 3. Any person licensed as aforesaid, and his heirs and assigns, shall have the exclusive use of the flats and creeks described in such license, for the time therein specified, except as provided in the first section of this act, for the purpose of planting, growing, digging, and taking therefrom, oysters at any and all times of the year; and if any person shall dig or take any oysters from the flats or creeks described in such license, during its continuance, without the consent of the person so licensed, his heirs or assigns, he or they may maintain an action of trespass against him, and recover three times the amount of damages sustained thereby; and, in addition thereto, the person so digging or taking such oysters shall forfeit and pay a fine of twenty dollars for each offence, one half of which shall go to the use of the complainant, and the other half to the Commonwealth.

Rights of persons licensed.

Action of trespass for interference; and fine to the Commonwealth.

SECTION 4. All fines imposed by this act may be prosecuted for before a justice of the peace, subject to an appeal to the court of common pleas, as in other cases.

Fines, how recovered.

SECTION 5. Every person receiving such license shall pay to the selectmen so granting it, two dollars for their use; also to the town clerk, for recording such license, the sum of fifty cents.

Fee for license and recording.

SECTION 6. All acts and parts of acts, inconsistent with this act, are hereby repealed. [Approved by the Governor, April 21, 1848.]

Inconsistent acts repealed.

Chap 153. An Act to authorize the sale of Real Estate by the First Baptist Church and Society in Stoughton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Trustees au-
thorized to sell
meeting-house
and land.

Proceeds, how
applied.

SECTION 1. That the First Baptist Church and Society in Stoughton be, and they hereby are, authorized to empower the trustees of said church and society, for the time being, to sell their old meeting-house and the lot of land on which the same now stands, and to execute a good and sufficient deed or deeds therefor; and apply the proceeds of such sale to defray the expenses incurred by building their new meeting-house.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1848.]

Chap 154.

An Act to authorize Samuel W. Brown to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Wharf in
Gloucester may
be extended 20
feet.

Proviso.

Samuel W. Brown, proprietor of a wharf in the town of Gloucester, is hereby authorized to extend said wharf twenty feet from its present limit, into the harbor of Gloucester; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Chap 155.

An Act to incorporate the Hinsdale Academy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Hinsdale Aca-
demy in Hins-
dale.

SECTION 1. Henry Putnam, Charles K. Tracey, and Henry Merriman, their associates and successors, are hereby made a corporation by the name of the Hinsdale Academy, to be established in the town of Hinsdale, in the county of Berkshire, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Real estate not
exceeding
\$15,000; per-
sonal not ex-
ceeding \$5000,
besides books
and apparatus.

SECTION 2. Said corporation may hold real estate to an amount not exceeding fifteen thousand dollars, and personal estate not exceeding five thousand dollars, exclusive of books and apparatus, to be devoted exclusively to the purposes of education. [Approved by the Governor, April 21, 1848.]

An Act to regulate the Storage and Transportation of Gunpowder in the city of Roxbury. *Chap 156.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. No person shall keep or have, in any building or other place, within one hundred and fifty yards of any wharf or main land, in the city of Roxbury, any quantity of gunpowder exceeding twenty-five pounds, except in the discharge of military duty, or as hereinafter provided.

How gunpowder may be kept in Roxbury.

SECTION 2. The mayor and aldermen of said city of Roxbury may grant licenses for the sale of gunpowder in said city, which shall continue in force one year, unless sooner annulled by said mayor and aldermen; and said mayor and aldermen may, at any time, annul said licenses for good cause; and said mayor and aldermen may, at any time within the year for which said license may be granted, or from year to year, renew the same. For each original license, there shall be paid a fee of five dollars, and for each renewal thereof, a fee of one dollar, to be paid to the treasurer of said city.

Mayor and aldermen may license the sale annually.

Fees.

SECTION 3. The mayor and aldermen may make and establish rules and regulations relative to the times and places of transporting gunpowder in, through, and over said city, or any part thereof, either by land or water; the kind of carriages, boats, ships or vessels, in and by which the same shall be transported; the manner in which gunpowder shall be kept by such persons as have been licensed to keep the same; and all such other rules and regulations relative to the keeping or transportation of gunpowder in said Roxbury, except in the performance of military duty, as to them may seem needful or expedient.

May regulate the transportation, manner of sale, &c.

SECTION 4. Any gunpowder had and kept in said city, or transported in and through the same, except in the performance of military duty, or under a license as hereinbefore provided, may be seized by any engineer of the fire department of said city, and by him safely kept, until disposed of, as hereinafter provided.

Seizure of gunpowder.

SECTION 5. When any gunpowder shall be so seized, the person seizing shall libel the same, in the manner provided by the one hundred and eighteenth chapter of the Revised Statutes, for the "seizing and libelling of forfeited goods;" and the same proceedings shall be had upon and in pursuance of said libel, as are provided in said chapter, from the twentieth to the thirty-fifth sections thereof, both inclusive, so far as said proceedings may conveniently be applied to the article of gunpowder; and all the provisions of that portion of said chapter above referred to shall be in force in relation to the seizure of gunpowder, as above provided, as

Proceedings in case of seizure.

fully as if the article of gunpowder were specially mentioned therein.

Power of engineers of fire department.

SECTION 6. Either of the engineers of the fire department of said city may at any time enter the place of business of any party licensed to keep gunpowder, for the purpose of ascertaining whether or not the provisions of this act, and the conditions of such party's license, have been duly observed and complied with.

Rules and regulations, how to be published.

SECTION 7. The rules and regulations herein above referred to, relative to the transportation and keeping of gunpowder in said city, shall be posted up, in reasonable time after the making thereof, in not less than eight public places in said city, and published in one or more newspapers printed in the county of Norfolk, and among the regular rules and ordinances of said city. [*Approved by the Governor, April 21, 1848.*]

Chap 157. An Act authorizing Benjamin Freeman, and his associates, to straighten and widen Mill Creek, in Brewster.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons named; authorized to straighten and widen Mill Creek, in Brewster.

SECTION 1. Benjamin Freeman, David Lincoln, Strabo Clark, their associates and successors, are hereby authorized to straighten and widen Mill Creek, in Brewster, not exceeding sixty feet.

May build a dam across the creek.

SECTION 2. Said Benjamin Freeman, David Lincoln, Strabo Clark, their associates and successors, may build a dam across the said Mill Creek, thereby to raise a head of water, in the most eligible and convenient place on said creek, to be let off at low water, for the purpose of cleaning and deepening the said creek and channel into Barnstable Bay: *provided*, that said Benjamin Freeman, David Lincoln, Strabo Clark, their associates and successors, shall not in any way impair or interfere with any private rights, nor obstruct any town road, or public highway, to or across said creek, nor interrupt the passage of alewives up the same, nor interfere with the present rights of individuals, or of the said town of Brewster, to take alewives upon the said creek.

Proviso, as to rights of others, and town of Brewster; obstruction of fish, &c.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1848.*]

Chap 158.

An Act to establish the Mechanics' Bank in Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporation for a bank in Worcester, till October 1, 1851.

SECTION 1. Frederic W. Paine, Henry Goulding, William M. Bickford, their associates and successors, are hereby made a corporation, by the name of the President,

Directors and Company of the Mechanics' Bank, to be established in Worcester, in the county of Worcester; and shall so continue until the first day of October which shall be in the year one thousand eight hundred and fifty-one, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

SECTION 2. The stock in said bank shall be transferred only at its banking-house and in its books. Transfer of stock.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in, on or before the first Monday in February next. [*Approved by the Governor, April 21, 1848.*] Capital Stock \$100,000; shares, \$100. Proviso.

An Act to extend the time for locating the Stoneham Branch Railroad.

Chap 159.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The time allowed for the filing the location of the Stoneham Branch Railroad, in the fourth section of their act of incorporation, is hereby extended for the time of one year from the twenty-third day of April, one thousand eight hundred and forty-eight. Time for location extended.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1848.*]

An Act to establish the Waltham and Newton Branch Railroad.

Chap 160.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Ebenezer Hobbs, Francis C. Lowell, Isaac Parker, their associates and successors, are hereby made a corporation, by the name of the Waltham and Newton Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other general laws which have been or shall be subsequently passed, relative to railroad corporations. Corporators.

SECTION 2. Said company is hereby empowered to locate, construct and maintain, with one or more tracks, a branch railroad, commencing near the works of the Newton Chemical Company, in Newton, and running in a northeasterly direction across Charles River at a point near the lower factory and bleachery of the Boston Manufacturing Company, in Waltham, and then running on the north To construct railroad from Newton to Waltham and Watertown.

side of Charles River, to a convenient point on the Watertown Branch of the Fitchburg Railroad Company near Bemis's factory, in Watertown.

Capital Stock
not more than
\$100,000;
shares \$100.

SECTION 3. The capital stock of the company hereby established, shall consist of not more than one thousand shares, the number of which shall, from time to time, be determined by the directors of said company; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Location and
completion of
road.

SECTION 4. If the location of said railroad shall not be filed within one year, and if said railroad be not constructed within two years from the passage of this act, then the same shall be void.

May be united
with the Water-
town branch of
Fitchburg rail-
road.

SECTION 5. Said company is hereby authorized to enter upon, and unite their railroad, by proper turnouts and switches, with said Watertown Branch of the Fitchburg Railroad, and to use the same, or any part thereof.

Legislature
may authorize
any other com-
pany to enter,
&c.

SECTION 6. The legislature may authorize any company to enter with another railroad upon, and to use, said Waltham and Newton Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Waltham and Newton Branch Railroad Company may prescribe, or as may be determined according to the provisions of law.

Legislature
may reduce
tolls.

SECTION 7. The legislature may, after the expiration of five years from the time when the said Waltham and Newton Branch Railroad shall be opened for use, from time to time, alter and reduce the rate of toll or profits upon said road; but said toll shall not be so reduced, without the consent of said company, as to yield, with said profits, to the stockholders thereof, less than ten per cent. per annum upon the investment of said company.

Fitchburg Rail-
road Company
may accept
this charter,
build the road,
enjoy the fran-
chise, &c.

SECTION 8. The Fitchburg Railroad Company may, by a vote of the stockholders specially convened for that purpose, within one year from the passage of this act, accept the charter hereby granted; and in that case may locate, construct, and maintain, said branch railroad, and may succeed to, hold, and enjoy, all the franchise, rights, and privileges, hereby conferred, and shall be subject to all the duties, restrictions, and liabilities, hereby imposed, and may increase their capital stock to the extent hereby authorized, and, upon such acceptance, the rights of the corporators first named shall cease and determine. [*Approved by the Governor, April 21, 1848.*]

An Act to incorporate the Cold Spring Iron Works.

Chap 161.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George M. Wells, Joseph Noble, Charles H. Coffin, their associates and successors, are hereby made a corporation, by the name of the Cold Spring Iron Works, for the purpose of manufacturing iron, in its various branches, in the town of Otis, county of Berkshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

To manufacture iron in the town of Otis.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate, not exceeding one hundred thousand dollars. [Approved by the Governor, April 21, 1848.]

Estate, real and personal, not to exceed \$100,000.

An Act to incorporate the Taunton and Middleborough Railroad Corporation.

Chap 162.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles Robinson, William A. Crocker, Isaac Lane, their associates and successors, are hereby made a corporation, by the name of the Taunton and Middleborough Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to railroad corporations, and in the public statutes which have been, or may hereafter be, passed, relating to such corporations.

Corporators.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the New Bedford and Taunton Railroad, near the bridge over Taunton River, in Taunton, thence, in an easterly direction, through a part of the town of Raynham, near the Old Colony Iron Works, in Squawbitty, (so called,) to some convenient point on the Fall River Railroad, at or near the depot in Middleboro', and so as to intersect the Cape Cod Branch Railroad, near said depot.

Railroad from Taunton to Middleboro'.

SECTION 3. The capital stock of said corporation shall consist of not more than one thousand five hundred shares, the number of which shall be determined, from time to time, by the directors; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Capital stock \$150,000; shares \$100.

Location and completion.

SECTION 4. If the said corporation shall not, within one year, file the location of their route in the manner required by law, or if the said railroad shall not be completed within three years from the passage of this act, then this act shall be void.

Legislature may reduce tolls, &c.

SECTION 5. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, reduce the rate of tolls, or profits, of said road; but, without the consent of the said corporation, they shall not be so reduced, as to yield less than ten per cent. per annum to the stockholders.

Corporation may enter and use certain other railroads.

SECTION 6. Said corporation may enter with their railroad, by proper turnouts and switches, upon the Taunton and New Bedford Railroad, at Taunton, upon the Fall River Railroad, at Middleboro', and upon the Cape Cod Branch Railroad, at said Middleboro', and may use the same, or any part thereof, in conformity with the provisions of an act, passed on the twenty-fifth day of March, in the year one thousand eight hundred and forty-five, entitled, "An Act to regulate the use of railroads."

Legislature may authorize the road to be used by other corporations.

SECTION 7. The legislature may authorize any corporation to enter with their railroad, at any point, upon the railroad hereby authorized, in conformity with the provisions of an act, passed on the twenty-fifth day of March, in the year one thousand eight hundred and forty-five, entitled, "An act to regulate the use of railroads." [Approved by the Governor, April 21, 1848.]

Chap 163.

An Act to authorize Levi Barlow and others to build a Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Wharf in Sandwich.

Levi Barlow, and his associates, are hereby authorized to build a wharf from their land adjoining the harbor of Sandwich, and to extend said wharf one hundred feet below low-water mark, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Chap 164.

An Act relating to Taxation in Parishes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Members of parishes, &c., not to be taxed for property held as guardians, &c.

SECTION 1. No person shall be liable to be taxed in any parish, or religious society, of which he is a member, for any property, real or personal, held by him as guardian or trustee of any other person.

SECTION 2. All acts and parts of acts, inconsistent herewith, are hereby repealed. [Approved by the Governor, April 21, 1848.]

An Act to authorize Nicholas H. Sherman to build Wharves.

Chap 165.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Nicholas H. Sherman, proprietor of a piece of land situated in the town of Wareham, and lying on the easterly side of the channel of Wankinco River, called Tims' Island, is hereby authorized to build and maintain wharves from said piece of land, and to extend them into the channel of said river, and shall have the right to lay vessels at the ends and sides of said wharves, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Wharves in
Wareham.

Proviso.

An Act further to regulate the Sale of Real Estate for non-payment of Taxes.

Chap 166.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. If any mortgagee of real estate, situated in the city or town of which he is resident, shall, previous to the assessment of any tax, have given a written notice, to the clerk of such city or town, that he holds a mortgage on such real estate, which notice shall contain a description of the estate which is held by him as mortgagee, it shall be the duty of the collector, on all sales hereafter made, before proceeding to sell the same for non-payment of taxes assessed thereon, to demand payment of said taxes, of such mortgagee, in the manner provided in the eighteenth section of the eighth chapter of the Revised Statutes.

Mortgagee of
real estate,
when to be
called upon by
collector for
taxes. R. S.,
ch. 8, sec. 18.

SECTION 2. If any non-resident mortgagee of real estate shall appoint an attorney with the authority, and for the purposes, named in the twentieth section of the eighth chapter of the Revised Statutes, in regard to non-resident owners, and such authority shall have been filed with, or recorded by, the clerk, as is provided in said twentieth section, demand of payment shall be made of such attorney, before said estate shall be sold for non-payment of taxes.

When collector
shall call on
attorney of non-
resident mort-
gagee. Ib. sec.
20.

SECTION 3. In addition to the provisions contained in the twenty-fifth section of the eighth chapter of the Revised Statutes, the advertisement therein named shall contain a substantially accurate description of the rights, lots, or divisions, of the real estate to be sold for non-payment of taxes.

Of the adver-
tisement of sale
of estate taken
for taxes. Ib.
sec. 25.

SECTION 4. The collector of taxes shall in all cases post the notices, required by the twenty-fourth, twenty-fifth, and twenty-sixth sections, of the eighth chapter of the Revised Statutes, on the premises by him advertised to be sold for non-payment of taxes: *provided*, any part of such premises shall be bounded by any street, lane, court, or public highway.

Notices of sale
to be posted on
the premises.
Ib. sec. 24, 25,
26.

Deed to purchaser, what further particulars to be set forth. Ib. sec. 31.

When to be recorded.

Where purchaser cannot be found, owner may redeem by making payment to town or city treasurer. Ib. sec. 32.

Duty of treasurer in such case.

Of the evidence that the purchaser cannot be found.

Inconsistent acts repealed.

Chap 167.

Jurisdiction ceded over lands in Chelsea.

Boundaries.

SECTION 5. In addition to the requirements of the thirty-first section of the eighth chapter of the Revised Statutes, the collector's deed shall state on whom the demand for the tax was made by him, the places in the town or city where notices were posted, and the newspaper in which the advertisement of such sale was published; and the deed shall also truly state the place of residence of the grantee; and such deed, in order to be valid and effectual, shall be recorded within thirty days from the day of sale.

SECTION 6. If, upon reasonable search, the purchaser of any real estate, sold for non-payment of taxes, cannot be found in the town or city of which he is described in the collector's deed as resident, then the owner of such real estate may redeem the same, in the manner prescribed by the thirty-second section of the eighth chapter of the Revised Statutes, on paying to the treasurer of the town or city, where such real estate is situated, the amount specified in said thirty-second section.

SECTION 7. It shall be the duty of the treasurer to receive such money, when paid to him, as aforesaid; and to give, to the person paying the same, a certificate of such payment, specifying the estate on which the tax was originally assessed; and such certificate may be recorded in the registry of deeds, with a note of reference from such record to the collector's deed; and, when so recorded, shall have the effect to release and discharge all the right and title acquired under the collector's deeds. It shall also be the duty of such treasurer to hold all money which may be received by him, by virtue of the foregoing provisions, for the use and benefit of the person entitled thereto; and to pay over the same on reasonable demand.

SECTION 8. The affidavit of any disinterested person, taken before a justice of the peace, of the search made under the sixth section of this act, shall be admitted as competent evidence of the facts therein stated: *provided*, such affidavit shall be made and filed in the registry of deeds, within ninety days from the time when said search shall have been completed.

SECTION 9. All acts, and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, April 21, 1848.*]

An Act ceding, to the United States, jurisdiction over certain Marsh Lands in the town of Chelsea, for a depot of Ordnance Stores.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Jurisdiction is hereby granted to the United States, in and over certain marsh lands, situate in the town of Chelsea, and within the following described limits; viz: the boundaries of the first parcel, commencing on Mill River

at the north-west corner of the land ceded to the United States by this Commonwealth, by an act passed February twentieth, in the year eighteen hundred and twenty-eight; thence northerly and north-westerly, along said Mill River, to a piece of land supposed to belong to the heirs of Thomas Sargent; thence north-easterly by the land of said Sargent twenty-one rods and twenty links; thence north-westerly, by said land of said Sargent, nine rods, to a piece of land supposed to belong to the heirs of D. Green; thence north-easterly by the piece of land last mentioned to Island End River; thence southerly and south-easterly by said Island End River to its junction with the land heretofore ceded to the United States by the act above mentioned; thence by a line due west to the point of commencement: reserving and excepting, out of the provisions and operation of this act, the following parcel of land, belonging to the proprietors of the marsh on each side of Island River, running into the towns of Malden and Chelsea, and upon which is erected the dam and dyke of said proprietors, namely, a strip of land four rods in width, extending from the upland on the north bank of Island River, now commonly called Island End River, to the upland of the United States: the said described parcel intended to be ceded, containing thirty-two acres, be the same more or less. The boundaries of the second parcel commencing at the north-western corner of the land of the heirs of Sargent, above mentioned, on Mill River; thence south-easterly by said land, twenty-six rods and twenty links, to the land of the heirs of D. Green above mentioned; thence north-westerly, by said land of said Green, to Island End River; thence northerly, north-westerly, westerly and south-westerly, by said Island End River, to the point of commencement; the said parcel being supposed to contain three acres, be the same more or less: *provided*, that nothing in this act contained shall be construed to cede the jurisdiction of any lands not already the property of the United States, nor to avoid, impair, or in any way affect, any lawful rights, or claims, or liens, of whatsoever nature, in or upon either of the above-described premises, which may be vested in any person or corporation whatever: and *provided*, also, that this Commonwealth shall retain, and does hereby retain, concurrent jurisdiction with the United States in and over said lands, so far as that all civil and criminal process issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land, or in any building which now is or may be hereafter erected thereon, in the same way and manner as if this concession had not been made.

Proviso.

Proviso,
as to civil and
criminal pro-
cess.

SECTION 2. A plan of the said premises shall be filed in the office of the secretary of state of this Commonwealth. *Plan to be filed.*
[Approved by the Governor, April 21, 1848.]

Chap 168. An Act relating to the discharge of Poor Debtors, committed on Execution for Debt.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Case of a debtor
secreting his
goods ; R. S.
Ch. 98, Sec. 23.

The twenty-third section of the ninety-eighth chapter of the Revised Statutes is hereby so far amended, that no person, committed on execution for debt, shall be refused his discharge, under the provisions of said section, unless he shall have misspent or misused goods, effects, or credits, to the value of forty dollars, which are not exempted from being taken in execution, but which cannot be attached by the ordinary process of law,—or so much thereof as is equal to the sum for which he is committed,—without having offered the same to the creditor, as is provided in said twenty-third section. [Approved by the Governor, April 21, 1848.]

Chap 169.

An Act to authorize Jesse Cook to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend wharf
in Provincetown.

Jesse Cook is hereby authorized to extend and maintain his wharf, in the harbor of Provincetown, to low-water mark ; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 21, 1848.]

Proviso.

Chap 170.

An Act to incorporate the Sandwich Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Savings Bank
in Sandwich.

William Stutson, Clark Hoxie, Charles Southack, their associates and successors, are hereby made a corporation by the name of the Sandwich Savings Bank, to be established in the town of Sandwich, in the county of Barnstable, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, in the forty-fourth chapter of the acts passed in the year one thousand eight hundred and forty-one, and in all the other laws of the Commonwealth. [Approved by the Governor, April 21, 1848.]

Chap 171.

An Act for the regulation of the Public and Town Landing Places in the Town of Westport.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the town of Westport

shall have jurisdiction over the public and town landings therein, with power to govern, control, and regulate them, in such manner as will keep them free from incumbrances; and for that, and other purposes mentioned in this act, said town shall, at their annual meeting, in March or April, in each year, choose all necessary officers and agents, and make such bylaws, and adopt such rules and regulations, not inconsistent with the laws of this Commonwealth, as they shall deem proper to carry into effect the provisions of this act.

Westport to regulate, &c., its town landings.
Powers.

Officers and agents.
By-laws.

SECTION 2. Said town shall have power to lease, for a term of not exceeding five years, such portions of said landings as are not needed for public use, and for purposes not inconsistent with the provisions of this act; and all moneys collected by virtue of this act shall be appropriated to pay the expenses of superintending said landings, and in making such repairs, alterations, and improvements thereon as may be deemed necessary; and the said town shall, so far as is practicable, ascertain the true boundaries of said landings, and erect and keep up suitable monuments to designate the same.

May make leases.

Appropriation of receipts.

Boundaries.

SECTION 3. In all cases where the boundaries of said landings cannot be satisfactorily ascertained, and the rights of the public be defined therein, or where buildings have been erected which stand in part on said landings, the said town is empowered to make such compromises, agreements, and conveyances, as shall be necessary or expedient in the premises, to determine the extent and boundaries of such landings, and to adjust and settle all differences in relation thereto; and all sales, contracts, and agreements, heretofore made by said town relative to said landings, not inconsistent with the interests of the public therein, are hereby ratified and confirmed.

Power of town in settling boundaries, &c.

Former doings confirmed.

SECTION 4. Said town may enforce any bargain, agreements, rules, and regulations, made from time to time, consistent with the foregoing provisions, by action in any court of law competent to try the same.

By-laws, &c., how enforced.

SECTION 5. This act shall take effect from and after its passage. [Approved by the Governor, April 21, 1848.]

An Act to incorporate the Pittsfield and New Haven Railroad Company.

Chap 172.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Henry H. Childs, Harrison G. Garfield, Henry Seymour, Samuel C. Parsons, Henry A. Bills, their associates and successors, are hereby made a corporation, by the name of the Pittsfield and New Haven Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in all that part

Corporators.

of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other general laws which have been, or shall be passed, relative to railroad corporations.

Railroad from
Pittsfield to the
north line of
Connecticut.

SECTION 2. Said company may locate, construct, and maintain a railroad, with one or more tracks, from some convenient point at or near the village of Pittsfield, by the most convenient route, to some point at or near the Housatonic River, in the easterly part of the town of Lenox; thence, by the most feasible route, through the town of Lee, to Becket; thence to Otis, following the valley of the Farmington River, through the towns of Tolland and Sandisfield, to the north line of the State of Connecticut, at Colebrook: *provided*, that, if the Stockbridge and Pittsfield Railroad Company do locate and construct their road within the time limited in their act of incorporation, then the northern *terminus* of the Pittsfield and New Haven railroad shall be at the intersection with said Stockbridge and Pittsfield road, in the town of Lee or Lenox.

Proviso.

Capital stock,
\$900,000;
shares, \$100.

SECTION 3. The capital stock of this company shall consist of not more than nine thousand shares, the number of which shall, from time to time, be determined by the directors of said company, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof in real and personal estate, as may be necessary and convenient for the purposes of their incorporation.

Road may be
united with
Western Rail-
road;

SECTION 4. Said company may enter upon, and unite their railroad, by proper turnouts and switches, with the Western Railroad, at some convenient point at or near the village of Pittsfield, and may use the same, under the provisions and restrictions of the laws relating to railroads.

And with
Stockbridge
and Pittsfield
Railroad.

SECTION 5. Said company may enter upon, and unite their railroad, by proper turnouts and switches, with the railroad authorized to be constructed by the Stockbridge and Pittsfield Railroad Company, at some convenient point in the town of Lee or Lenox, and may use the same, under the provisions and restrictions of the laws relating to railroads, and as is provided in the sixth section of the act of incorporation of said Stockbridge and Pittsfield Railroad Company.

Legislature
may reduce
tolls.

SECTION 6. The legislature may, after the expiration of five years from the time when the said railroad shall be opened for use, from time to time, reduce the rates of tolls and other profits upon said road; but the same shall not be so reduced, without the consent of said company, as to yield, with said profits, less than ten per centum per annum to the stockholders.

SECTION 7. If said company shall not have been organ-

ized, and the location of the route of said road filed with the county commissioners of the counties of Berkshire and Hampden, within two years from the passage of this act, or if said company shall fail to complete said road within four years from the passage of this act, then this act shall be void.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1848.*]

Road, when to be located and completed.

An Act in addition to An Act relating to Abstracts of School Returns, and the duties of School Committees.

Chap 173.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Any city, or town, may withhold such compensation as the school committee of such city, or town, are now authorized by law to receive, if such town shall have forfeited its due portion of the income of the school fund, through the failure of such committee to comply with the provisions of the fourth section of the two hundred and twenty-third chapter of the general laws passed in the year one thousand eight hundred and forty-six.

When school committee fail to make returns, &c., compensation may be withheld.

SECTION 2. This act shall take effect from and after the thirtieth day of June, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, April 22, 1848.*]

An Act to authorize Horatio N. Gunn and George W. Gibbs to build a Wharf.

Chap 174.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Horatio N. Gunn and George W. Gibbs are hereby authorized to build and maintain a wharf from their land in the town of Somerset, lying on the west side of Taunton River, and to extend the same into said river to six feet of water at low tide; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 22, 1848.*]

Wharf in Somerset.

Proviso.

An Act to incorporate the Carew Manufacturing Company.

Chap 175.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Joseph Carew, Francis M. Carew, James B. Rumril, their associates and successors, are hereby made a corporation, by the name of the Carew Manufacturing Company, for the purpose of manufacturing paper in the town of South Hadley, with all the powers and privileges,

Corporators.

To manufacture paper in South Hadley.

and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate real and personal, and whole capital stock not to exceed \$75,000.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed seventy-five thousand dollars.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 22, 1848.*]

Chap 176.

An Act to incorporate the Holland Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Marshall Tenney, William P. Fisk, Aaron Rice, their associates and successors, are hereby made a corporation, by the name of the Holland Manufacturing Company, for the purpose of manufacturing cotton goods in the town of Holland, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

To manufacture cotton goods in Holland.

Estate, real and personal, not to exceed \$50,000.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed fifty thousand dollars. [*Approved by the Governor, April 22, 1848.*]

Chap 177.

An Act to increase the Capital Stock of the Boston and Providence Railroad Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased not exceeding \$470,000.

The Boston and Providence Railroad Corporation are hereby authorized to increase their capital stock, by an amount not exceeding four hundred and seventy thousand dollars, by creating an additional number of shares, not exceeding four thousand and seven hundred, of one hundred dollars each; the same to be assessed by instalments, from time to time, as the directors shall find expedient. [*Approved by the Governor, April 22, 1848.*]

Chap 178.

An Act to incorporate the Pawcatuck Paper Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Rufus S. Payne, Caleb Chapin, Pelatiah Ely, their associates and successors, are hereby made a corporation, by the name of the Pawcatuck Paper Manufacturing Company, for the purpose of manufacturing paper in the town of West Springfield, with all the powers and privileges, and subject to all the duties, liabilities,

To manufacture paper in West Springfield.

and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed twenty-five thousand dollars. [Approved by the Governor, April 22, 1848.]

Capital stock not to exceed \$25,000, with real and personal estate.

An Act to authorize the Hingham Wharf and Land Company to extend their Wharf. Chap 179.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Hingham Wharf and Land Company, are hereby authorized to extend their wharf to the channel leading to Hingham Harbor, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 22, 1848.]

Wharf extended in Hingham.

Proviso.

An Act to incorporate the Plympton Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Benjamin W. Foster, Anthony Brackett, Philip S. Clement, their associates and successors, are hereby made a corporation, by the name of the Plympton Branch Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all other laws which have been, or shall be, passed, relative to railroad corporations.

Chap 180.

Corporators.

SECTION 2. Said company may locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the south-east side of Jones River Pond, in Plympton, to some convenient point on the Old Colony Railroad northerly of, and not more than one thousand feet from, the present station-house in Kingston, at which point the said company may enter upon, and unite their railroad, by proper turnouts and switches, with the said Old Colony Railroad.

Railroad from Plympton to Kingston, to unite with Old Colony Railroad.

SECTION 3. The legislature may authorize any other company to enter with another railroad upon, and use, the said Plympton Branch Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Plympton Branch Railroad Company may prescribe, or as may be determined according to the provisions of law.

Any other company may be authorized to use the road.

Capital stock
not more than
\$40,000;
shares \$100.

SECTION 4. The capital stock of said company shall consist of not more than four hundred shares, the number of which shall be determined, from time to time, by the directors of said company, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may invest and hold such part thereof, in real and personal estate, as may be necessary and convenient for the purpose of their incorporation.

Location and
completion of
road.

SECTION 5. If the location of said branch railroad shall not be filed within six months, and if said branch railroad be not completed within one year from the passage of this act, the same shall be void.

Corporation
authorized to
transfer its
franchise to Old
Colony Rail-
road Corpora-
tion.

SECTION 6. The corporation hereby established is authorized to sell and transfer all its property, rights, privileges, and franchises, under this charter, to the Old Colony Railroad Corporation, or its successors, whenever the last-named corporation, or its successors, shall elect to receive and hold the same, in such manner and upon such terms as shall be mutually agreed upon; and, upon such transfer, said Old Colony Railroad Corporation shall enjoy and be invested with all the powers, privileges, and franchises, hereby granted, and shall be subject to all the restrictions and liabilities hereby imposed.

SECTION 7. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1848.*]

Chap 181.

An Act to incorporate the Truro Wharf and Breakwater Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECTION 1. James Collins, John S. Small, Harvey Collins, their associates and successors, are hereby made a corporation by the name of the Truro Wharf and Breakwater Company, for the purpose of constructing a wharf and breakwater near the shore of the town of Truro, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

For wharf and
breakwater in
Truro.

Breakwater
described.

SECTION 2. Said corporation is hereby authorized to construct and maintain a breakwater near a place called the Pond Landing, in said town of Truro, eight hundred feet in length, to be five hundred and fifty feet below high-water mark; also to construct and maintain a wharf near said landing, and to extend the same towards said breakwater four hundred and fifty feet; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided*, this grant shall in no wise impair the legal rights of any person whatever.

Wharf de-
scribed.

Proviso.

SECTION 3. Said corporation may hold real and personal

estate, necessary and convenient for the purposes aforesaid, not exceeding in amount six thousand dollars. [*Approved by the Governor, April 24, 1848.*]

An Act concerning the South Shore Railroad Company.

Chap 182.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time for filing the location of, and finally completing, the railroad of the South Shore Railroad Company, is hereby extended six months from the first day of May, one thousand eight hundred and forty-eight. [*Approved by the Governor, April 24, 1848.*]

Time to locate, &c., extended.

An Act to incorporate the Provincetown Marine Railway.

Chap 183.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Freeman Atkins, Eben S. Smith, William A. Atkins, their associates and successors, are hereby made a corporation by the name of the Provincetown Marine Railway, for the purpose of constructing and maintaining a dock and railway suitable for examining and repairing vessels, on land and flats lying easterly of, and adjoining, Central Wharf in the town of Provincetown ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

To construct a dock and railway in Provincetown.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount ten thousand dollars.

Estate, real and personal, not to exceed \$10,000.

SECTION 3. This act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 24, 1848.*]

Proviso.

An Act to incorporate the West Amesbury Manufacturing Company.

Chap 184.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas T. Merrill, Stephen Patten, Jonathan B. Sargent, their associates and successors, are hereby made a corporation by the name of the West Amesbury Manufacturing Company, for the purpose of manufacturing carriages, doors and blinds, in the town of Amesbury, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

To manufacture carriages, &c., in Amesbury.

SECTION 2. Said corporation may hold real and personal estate, and their whole capital stock shall not exceed fifty thousand dollars. [*Approved by the Governor, April 25, 1848.*]

May hold estate, real and personal ; capital stock not to exceed \$50,000.

Chap 185. An Act to incorporate the Pocha Pond Meadow and Fishing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. John Vinson, J. T. E. Gage, William W. Huxford, their associates and successors, are hereby made a corporation, by the name of the Pocha Pond Meadow and Fishing Company, in Edgartown, in Dukes County, and are empowered to close the outlet of said pond, by building a causeway from the twenty-acre lot, so called, to Cape Poge Beach in said Edgartown: *provided*, that said causeway shall be built of suitable width, and shall be kept in such repair that loaded carriages may pass and repass in safety over the same, and shall at all times be free for the public to travel over; and to make a new outlet or creek from Pocha Pond into the harbor of Edgartown, through lands of said proprietors, at a convenient place, for the purpose of draining the meadows, and for regulating the herring fishery thereby created: *provided*, that suitable bridges shall be built over said creek or outlet, where carriages usually pass; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

To build a causeway, &c.

Proviso.

Proviso.

Forfeiture for catching, &c. any herring without permission.

SECTION 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any herring, in said pond, or creek or outlet which may be made therefrom, he shall forfeit and pay, for the use of said corporation, a sum not exceeding three dollars if the quantity so taken be less than one barrel; but if the quantity be more than one barrel, the person so offending shall forfeit and pay, for each barrel of herring so taken, the sum of five dollars, to be recovered in any court proper to try the same.

As to other fish than herring.

SECTION 3. Nothing herein contained shall deprive any inhabitant of the town of Edgartown, of the privilege of taking any fish other than herring from said creek, pond, or outlet.

Damages to persons not members of this corporation, how to be assessed, &c.

SECTION 4. If any person, not a proprietor of this corporation, shall receive damage by the flowing of his meadows, or in closing the present outlet, the county commissioners of Dukes County, after a hearing of all parties interested, shall estimate the amount of damages which such person may have sustained by said corporation, which damages, if any, said corporation shall pay; and either party, if dissatisfied with any estimate made by said commissioners, may apply for a jury to assess the damages, either at the same meeting at which such estimates shall be completed and returned, or at the next regular meeting of said county commissioners; and the like proceedings shall be had thereon as are provided for the recovery of damages for laying out highways.

SECTION 5. All persons who now are owners of land adjoining said pond, or creek or outlet to be made therefrom, may become members of said corporation, at any time previous to the commencing, by said corporation, to close said outlet.

Who may become members.

SECTION 6. The present owners of lands adjoining the said pond, or creek, or outlet, shall have each one share only in said fishery; and no one of them shall, by conveyance or descent of his lands, create, or cause to be created, an additional number of shares: *provided, however*, that each of the present owners, or his successor or successors, may divide his original share into parts or fractions. [Approved by the Governor, April 25, 1848.]

Owners, &c., to have each one share only.

Proviso.

An Act to increase the Capital Stock of the Eastern Railroad Company.

Chap 186.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The Eastern Railroad Company are hereby authorized and empowered to increase their capital stock, by the creation of an additional number of shares, to be assessed to the same amount as the shares which are already created by their act of incorporation, and the acts in addition thereto: *provided*, that the additional number of shares, so to be created, shall not exceed five thousand. [Approved by the Governor, April 25, 1848.]

Authorized to add, not exceeding 5,000 additional shares. Stat. 1836, ch. 232, sec. 3.

An Act concerning the Alewife Fishery in Saugus River.

Chap 187.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The towns of Lynn, Saugus, and South Reading, may, together or separately, enforce the laws which regulate the alewife fishery in Saugus River, and its tributary streams, in their several towns.

Powers of Lynn, Saugus, and South Reading, as to alewife fishery in Saugus River. Repeal.

SECTION 2. All acts, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, April 25, 1848.]

An Act to establish the Holyoke Bank.

Chap 188.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Samuel Williston, Thomas Musgrave, and Josiah Hayden, their associates and successors, are hereby made a corporation, by the name of the President, Directors, and Company, of the Holyoke Bank, to be established in the town of Northampton, in the county of Hampshire, and shall so continue, until the first day of October which shall

Corporators.

Bank in Northampton.

be in the year one thousand eight hundred and fifty-one; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Transfer of stock.

SECTION 2. The stock in said bank shall be transferred only at its banking-house, and in its books.

Capital stock, \$100,000; shares \$100.
How paid in.

SECTION 3. The capital stock of said corporation shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, that the whole be paid in on or before the first day of January next. [Approved by the Governor, April 25, 1848.]

Proviso.

Chap 189.

An Act to repeal "An Act incorporating certain lands belonging to a number of inhabitants of the town of Springfield, lying on the Pine Plain, in said town."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Repeal of act concerning Pine Plain lands in Springfield.

An act, entitled "An Act incorporating certain lands belonging to a number of inhabitants of the town of Springfield, lying on the Pine Plain, in said town," passed on the twenty-seventh day of June, in the year one thousand seven hundred and eighty-five, is hereby repealed. [Approved by the Governor, April 25, 1848.]

Chap 190.

An Act to incorporate the Boston and Chelsea Paper Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECTION 1. Otis Merriam, Daniel Cummings, Luther Crane, their associates and successors, are hereby made a corporation, by the name of the Boston and Chelsea Paper Company, for the purpose of manufacturing paper, coloring, stamping, and staining the same, in Middleton, in the county of Essex, and in Chelsea, in the county of Suffolk; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate not to exceed \$30,000; capital stock not to exceed \$50,000.

SECTION 2. Said corporation, for the purposes aforesaid, may hold real estate not exceeding in value thirty thousand dollars; and their whole capital stock shall not exceed fifty thousand dollars. [Approved by the Governor, April 25, 1848.]

An Act to change the Dividing Line between Brewster and Harwich.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. So much of the town of Brewster, with the inhabitants thereon, as lies south of the following described line, is set off from said town of Brewster, and annexed to the town of Harwich, to wit:—beginning at the north-west-erly corner of said town of Harwich, near the middle of Bangs' Pond; thence, in a north-easterly direction, to the mouth of a brook running from Grassy Pond to said Bangs' Pond; thence, up the middle of said brook, to Grassy Pond; thence, through said Grassy Pond, to a brook running from Long Pond to said Grassy Pond; thence, up the middle of said brook, to Long Pond; thence south, forty-five degrees east, to the original boundary line between the said towns of Brewster and Harwich, near the middle of said Long Pond: *provided*, that the inhabitants and land, thus set off, shall be holden to pay all taxes heretofore assessed, in the same manner as if this act had not been passed.

Territory and inhabitants of Brewster set off to Harwich.
Boundary line.

Proviso, as to taxes.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, April 25, 1848.]

An Act relating to Town and County Roads.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners of the several counties, and the selectmen of the several towns, and the mayor and aldermen of the several cities, of this Commonwealth, shall cause permanent stone bounds, not less than three feet long, two feet of which, at least, shall be inserted in the earth, to be erected at the termini and angles of all roads hereafter laid out by them, when practicable; and, when not practicable, a heap of stones, a living tree, a permanent rock, or the corner of an edifice, may be a substitute for said stones. [Approved by the Governor, April 25, 1848.]

Stone bounds to be erected at the termini and angles of all county and town roads hereafter laid out.

An Act concerning the continuance of Civil Actions before Justices of the Peace.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. If any justice of the peace shall fail to attend at the time and place to which any civil process is returnable or continued before him, any other justice of the peace, for the same county, may attend and continue said process, not exceeding thirty days, without cost to either party, and saving the rights of all parties.

SECTION 2. The justice ordering such continuance shall

On failure of a justice of the peace to attend at time and place to which civil process is returned, any other justice may attend, &c.
Proceedings in such case.

Chap 191.

Chap 192.

Chap 193.

make a certificate thereof, which shall be filed with the papers in the case, and shall be entered upon the record by the justice before whom said process was returnable.

Inconsistent
acts, &c., re-
pealed.

SECTION 3. All acts, and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, April 25, 1848.*]

Chap 194.

An Act to confirm the Boundary Line between Lunenburg and Shirley.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Line to be made
straight.

SECTION 1. The boundary line between the town of Lunenburg, in the county of Worcester, and the town of Shirley, in the county of Middlesex, shall be confirmed and established as a straight line, from an established monument at the south-east corner of Lunenburg, and the south-west corner of Shirley, in the line of Lancaster, to "Groton Old Corner," so called; and from thence to an established monument at the south-east corner of Townsend: *provided*, that, if any part of the present dwelling-house of Jacob Harrington shall be found to be on the said line, the said dwelling-house and the occupants thereof, for all purposes, shall be considered within the town of Lunenburg, so long as the said building shall remain on said line.

Proviso.

Former act re-
pealed.

SECTION 2. The act passed on the third day of March, in the year one thousand eight hundred and forty-six, entitled "An Act to establish the boundary line between Lunenburg and Shirley," is hereby repealed. [*Approved by the Governor, April 25, 1848.*]

Chap 195.

An Act in addition to An Act to incorporate the town of Georgetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Paupers to be
supported by
Rowley and
Georgetown,
respectively.

SECTION 1. All persons who had a legal settlement in the town of Rowley, at the time when the act was passed to which this is an addition, and all who shall derive a settlement from them, shall be deemed and taken to have their legal settlement in that part of said town where they resided at that time, until they shall have gained a settlement elsewhere, and shall be hereafter supported by said towns of Rowley and Georgetown respectively, if they shall become chargeable as paupers.

Of the settle-
ment, &c., of
persons absent
from Rowley
when former
act was passed.

SECTION 2. All persons who had a legal settlement in the town of Rowley at the time of the passage of said act, but who were absent at that time, not having acquired a legal settlement elsewhere, shall have their legal settlement in that town wherein their last dwelling-place or home happened to be at the time aforesaid.

SECTION 3. The agreement made between the two towns of Rowley and Georgetown, dated on the first day of March, in the year one thousand eight hundred and forty-eight, and recorded, unless inconsistent with this act, is hereby ratified and confirmed, and said towns shall hereafter be bound by the provisions thereof.

Agreement between Rowley and Georgetown confirmed, unless, &c.

SECTION 4. So much of the act to which this is in addition, as is inconsistent herewith, is hereby repealed.

Repeal of inconsistent provisions in former act.

SECTION 5. This act shall take effect from and after its passage. [Approved by the Governor, April 25, 1848.]

An Act to increase the Capital Stock of the Norwich and Worcester Railroad Company.

Chap 196.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Norwich and Worcester Railroad Company is hereby authorized to increase the capital stock of said company, by the addition of ten thousand shares, each share to be of the par value of one hundred dollars.

Capital stock increased \$1,000,000; shares \$100.

SECTION 2. For the purpose of carrying into effect the provisions of this act, two commissioners shall be appointed by the governor, with the advice and consent of the council, who shall be paid by said company a reasonable compensation for their services.

Two commissioners to be appointed by Governor and Council.

SECTION 3. No portion of stock, issued under the provisions of this act, shall be issued at less than its par value; the time and manner of issuing it, and the rate of dividend to be paid on the same, shall be determined by said commissioners, who shall certify the same in writing to the directors of the company, and shall also make report thereof to the governor.

Issue of stock: duty of commissioners.

SECTION 4. The said stock, in the certificates issued therefor, shall be called *preferred stock*, and there shall be paid semi-annually to the holders thereof, from the net earnings of said company, such rate of dividend as the said commissioners shall determine before issuing said certificates.

New stock preferred: rate of dividend to be determined by the commissioners before issuing certificates therefor.

SECTION 5. No dividend shall hereafter be declared or paid upon the present capital stock of the company, except the same be paid out of the surplus net earnings of said company, after the payment of the dividends aforesaid, upon the preferred stock.

Dividends on present capital stock, when to be declared.

SECTION 6. This act shall not take effect until it shall be accepted by the stockholders of the company, at a legal meeting held for that purpose. [Approved by the Governor, April 26, 1848.]

This act to be accepted by the stockholders.

Chap 197. An Act in addition to An Act to incorporate the Nantucket Steamboat Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May hold real estate, not exceeding \$15,000.

The second section of the act to incorporate the Nantucket Steamboat Company, passed on the twenty-sixth day of January, in the year one thousand eight hundred and thirty-three, is hereby so far amended as to authorize said company to hold real estate, not exceeding in value fifteen thousand dollars : *provided*, that the whole capital of said company shall not exceed seventy thousand dollars. [Approved by the Governor, April 26, 1848.]

Whole capital stock not to exceed \$70,000.

Chap 198.

An Act to increase the Capital Stock of the Bay State Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased, not exceeding \$1,000,000; to be invested in real and personal estate, necessary, &c.

The Bay State Mills are hereby authorized to increase their capital stock by an amount not exceeding one million of dollars, and to invest such increase in real and personal estate, necessary and convenient for carrying on the business of said corporation. [Approved by the Governor, April 26, 1848.]

Chap 199.

An Act additional to "An Act to incorporate the Town of Ashland."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Section repealed concerning exemption from taxation of Holliston Farm, in Ashland.

The seventh section of the act, passed March sixteenth, one thousand eight hundred and forty-six, to incorporate the town of Ashland, is hereby repealed. [Approved by the Governor, April 26, 1848.]

Chap 200.

An Act concerning Long Beach in the town of Lynn.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for carrying away gravel, &c., from Long Beach in Lynn.

Any person who shall, after the passage of this act, carry away or remove, by land or water, any stones, gravel, or sand, from the Long Beach in the town of Lynn, shall, for each offence, forfeit and pay a sum not exceeding twenty dollars, to be recovered by complaint or indictment in any court of competent jurisdiction; one half for the use of the complainant, the other half for the use of said town of Lynn. [Approved by the Governor, April 26, 1848.]

An Act to incorporate the Walpole Dyeing and Bleaching Company.

Chap 201.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Smith Gray, Joshua Stetson, junior, William B. Boyd, their associates and successors, are hereby made a corporation, by the name of the Walpole Dyeing and Bleaching Company, for the purpose of manufacturing, dyeing, bleaching, and finishing, cotton and linen goods, in the town of Walpole, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For the manufacturing, dyeing, &c., of cotton and linen goods, in Walpole.

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed seventy thousand dollars. [*Approved by the Governor, April 26, 1848.*]

Real and personal estate ; whole capital stock not to exceed \$70,000.

An Act to authorize Lewis Rice to extend his Wharf.

Chap 202.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lewis Rice, proprietor of a wharf and flats situate on Border Street, and opposite Central Square, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Warren Belcher, and Albert Bowker, and William Fettyplace, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled, "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line : *and provided, also*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 26, 1848.*]

To extend a wharf in East Boston to commissioners' line.

Proviso.

Proviso.

Chap 203. An Act to authorize Prince S. Crowell, and others, to drive Piles in the Harbor of Dennis.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

To drive piles from wharf in Dennis.

Prince S. Crowell, and his associates, are hereby authorized to drive piles, in a straight line, from their wharf, near Sesuet Creek, in the harbor of Dennis, across the flats, in a northerly direction, for the purpose of regulating the channel and improving the navigation of said harbor: *provided*, that this act shall in no wise impair the legal rights of any person whatever: *and provided, also*, that said piles be driven within three years from the passage of this act. [Approved by the Governor, April 26, 1848.]

Proviso.

Limitation to three years.

Chap 204.

An Act to establish the South Reading Branch Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

SECTION 1. Thomas P. Pingree, George Osborn, Thomas Emerson, their associates and successors, are hereby made a corporation, by the name of the South Reading Branch Railroad, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes relating to railroad corporations, and in all general statutes that have been, or shall be hereafter, passed, relating to railroad corporations.

Route of railroad.

SECTION 2. Said corporation is hereby authorized to construct and maintain a railroad, commencing at some convenient point in South Danvers, and thence running through Lynnfield to the village of South Reading, and terminating at the Boston and Maine Railroad; and to use that part of the Boston and Maine Railroad, which lies between the point of such junction and the city of Boston, according to law; but neither the Boston and Maine Railroad Corporation, nor this corporation, shall ever suffer any freight or passenger cars to pass, from the said South Reading Branch Railroad, upon any part of the Boston and Maine Railroad, north of the village of South Reading; and the supreme judicial court of the Commonwealth shall have power to restrain, by injunction, any attempt which shall be made, directly or indirectly, by the corporation hereby created, or by the Boston and Maine Railroad Company, to violate the conditions of this section; all injunctions, as aforesaid, may be granted by any justice of the supreme judicial court, according to the ordinary course of proceeding in courts of equity.

Part of Boston and Maine Railroad may be used.

Use for freight and passengers, how and to what extent prohibited.

Injunctions by supreme judicial court.

SECTION 3. The capital stock of said corporation shall

consist of not more than two thousand shares, of one hundred dollars each.

Capital stock
\$200,000;
shares, \$100.

SECTION 4. If the location of the railroad herein authorized be not filed, according to law, within two years, and if said railroad be not completed within three years from the passage of this act, the same shall be void.

Location and
completion.

SECTION 5. The legislature may authorize any other railroad company to enter upon said railroad, at any point thereof, and use the same according to law.

Authority to
use this road.

SECTION 6. The legislature may, after the expiration of five years from the time when said railroad shall be opened for use, reduce the rates of toll, or other profits, upon said railroad; but the same shall not be so reduced, without the consent of said corporation, as to yield to the stockholders less than ten per cent. per annum on their capital stock. [Approved by the Governor, April 26, 1848.]

Legislature
may reduce
tolls.

An Act to authorize the Boston Steam Flour Mill Company to extend their Wharf.

Chap 205.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Steam Flour Mill Company, proprietors of flats situate in that part of Boston known as East Boston, and lying between and adjoining the flats of the East Boston Wharf Company, and land and flats of Otis Tufts, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "An act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 26, 1848.]

To extend wharf
in East Boston
to commis-
sioners' line.

Proviso.

Proviso.

An Act to incorporate the New Bedford Linseed Oil Company.

Chap 206.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Pardon G. Seabury, John A. Kasson, Wil- Corporators.

For the manufacture of linseed oil in New Bedford.

liam H. Stowell, their associates and successors, are hereby made a corporation, by the name of the New Bedford Linseed Oil Company, for the manufacture of linseed oil in the city of New Bedford, in the county of Bristol, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$100,000.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, April 26, 1848.]

Chap 207.

An Act to establish the Salisbury and East Kingston Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Luther D. Peaslee, Samuel Webster, Rufus Dow, their associates and successors, are hereby made a corporation, by the name of the Salisbury and East Kingston Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and provisions, contained in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of the Revised Statutes which relates to railroad corporations, and in other subsequent acts, which have been or may be passed, relating to railroad corporations. And the said corporation is hereby authorized and empowered to locate, construct, and finally complete, a railroad, with one or more tracks, from some point in Salisbury, near the engine-house or depot of the Salisbury Branch Railroad Company; thence running a northerly direction, to the boundary line between the Commonwealth of Massachusetts and the State of New Hampshire.

To locate, &c., a railroad from Salisbury to north line of the state.

Capital Stock \$40,000; shares \$100.

SECTION 2. The capital stock of said railroad company shall consist of not more than four hundred shares, the number of which shall be determined, from time to time, by the directors thereof, and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share. And the said corporation may purchase and hold such real estate on the line and at the termination of said road, and such materials, cars, engines, and other things, as may be necessary for depots, for the use of said road, and for the transportation of persons, goods, and merchandise. And the said corporation may make such arrangements with the Boston and Maine Railroad or the Eastern Railroad, either by the sale or transfer of the whole or part of the franchise hereby granted, or by the sale or lease of the whole or part of said road, as may be mutually agreed on by the directors of said corporations; and, in such case, said Boston and Maine Railroad, or said Eastern Rail-

Road may be sold or leased to the Boston and Maine, or the Eastern Railroad Corporation.

road, may transport passengers on said Salisbury and East Kingston Railroad, with the same privileges as upon the residue of their line. And the said Salisbury and East Kingston Railroad are hereby authorized to enter, with their railroad, upon such part of the Salisbury Branch Railroad, in Salisbury, as shall be deemed most expedient, paying, for the right to use the same, or any part thereof, such rate of toll as the legislature may, from time to time, prescribe, and complying with such rules and regulations as may, from time to time, be adopted by the directors of the Eastern Railroad.

Authority to use the Salisbury Branch Railroad.

SECTION 3. If the location of said road be not filed, according to law, within two years, or if said company shall not complete said road to the extent provided for in the first section of this act, with at least one track, within three years from the date of the same, then this act shall be null and void.

Location and completion, when.

SECTION 4. The legislature may authorize any company to enter, with another railroad, at any point of said Salisbury and East Kingston Railroad, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with such rules and regulations as may be established by said Salisbury and East Kingston Railroad Company; and the legislature may, after the expiration of five years from the time when the said railroad shall be opened for use, from time to time, reduce the rate of tolls or other profits upon said railroad; but said tolls shall not, without the consent of said corporation, be reduced so as to produce, with said profits, less than ten per centum per annum.

Legislature may authorize any company to use the road.

May reduce tolls.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 26, 1848.*]

An Act to incorporate the East Boston Savings Bank.

Chap 208.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Samuel W. Hall, Benjamin Lamson, James Cunningham, their associates and successors, are hereby made a corporation, by the name of the East Boston Savings Bank, to be located in that part of Boston called East Boston; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [*Approved by the Governor, April 26, 1848.*]

Corporators.

Savings Bank in East Boston.

Chap 209. An Act to incorporate the Marblehead Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Mutual Fire Insurance Company in Marblehead, for 28 years.

Proviso.

William Fabens, William Humphreys, junior, Joseph P. Turner, their associates and successors, are hereby made a corporation, by the name of the Marblehead Mutual Fire Insurance Company, in the town of Marblehead, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, throughout this Commonwealth, against loss by fire, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no policy shall be issued by this company, until property, to the amount of one hundred thousand dollars, shall be subscribed to be insured. [Approved by the Governor, April 26, 1848.]

Chap 210. An Act establishing additional Terms of the Probate Court in the County of Middlesex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional courts at Lowell and Cambridge.

Probate courts, in addition to those now by law required to be held in the county of Middlesex, shall be held at Lowell on the first Tuesday of March and on the third Tuesday of September, and at Cambridge on the second Tuesday of June and on the third Tuesday of December, in each year. [Approved by the Governor, April 26, 1848.]

Chap 211. An Act to incorporate the North Adams Savings Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Savings Bank in North Adams.

Isaac Hodges, Thomas Robinson, William E. Brayton, their associates and successors, are hereby made a corporation, by the name of the North Adams Savings Bank, to be established in the town of Adams, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings. [Approved by the Governor, April 26, 1848.]

Chap 212. An Act to authorize William H. Delano and Benjamin F. Delano, to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

William H. Delano and Benjamin F. Delano, proprietors

of a wharf and flats situate on Border Street, in that part of Boston known as East Boston, and situate between and adjoining the land and flats of William Fettyplace, and Albert Bowker, and John M. and R. B. Forbes, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled, "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 26, 1848.]

To extend wharf in East Boston to commissioners' line.

Proviso.

Proviso.

An Act to authorize James Cunningham to extend his Wharf.

Chap 213.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. James Cunningham, proprietor of a wharf and flats, situate on Summer Street, in that part of Boston known as East Boston, and lying between and adjoining land and flats, now or lately belonging to William G. Holmes, and Kelly and Holmes, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act, entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 26, 1848.]

To extend wharf in East Boston to commissioners' line.

Proviso.

Proviso.

Chap 214. An Act for the better Establishment of the Police Court of the City of New Bedford.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Justice of police court in New Bedford to have a salary of \$1000 from city treasury.

SECTION 1. The standing justice of the police court of the city of New Bedford shall, from and after the time when this act shall take effect, receive, in full compensation for all services which by law he is required to perform as said justice, an annual salary of one thousand dollars, to be paid quarterly from the treasury of the city of New Bedford.

Annual salary of clerk, \$400.

SECTION 2. A clerk shall be appointed for said court, who shall do all the duties which are by law now prescribed to the justice of said court acting as clerk, and shall receive, in full compensation for all his services as clerk, except for certificates and copies of papers and proceedings of said court, an annual salary of four hundred dollars, to be paid quarterly from the treasury of the city of New Bedford.

All fees, &c., to be received, &c., and paid into city treasury by the clerk.

SECTION 3. All fees and charges, now by law authorized to be collected and received by the standing justice of said police court, shall hereafter be collected and received by the clerk of said court, and by him accounted for to the city government in New Bedford, and paid quarterly into the treasury of said city.

Clerk to be sworn, and to give bonds.

SECTION 4. The clerk shall be sworn to the faithful performance of the duties of his office, and shall give bond to the city of New Bedford, in such sum as the city council shall order, with a surety or sureties to the acceptance of the city treasurer, with condition for the faithful performance of the duties of his office.

Clerk not to be counsel, &c.

SECTION 5. The clerk shall not be retained or employed as counsel or attorney in any suit, complaint, or other proceeding whatever, before said court, nor in any which shall have been heard, tried, or examined, therein.

To be appointed by governor and council.

SECTION 6. The governor, with the advice of the council, shall appoint a duly qualified person to be clerk of said court, who shall hold his office during the pleasure of the governor and council; and in case of his death or absence, the court shall appoint a clerk *pro tempore*, who shall act until the standing clerk shall resume the duties of his office, or another shall be appointed by the governor.

Clerk *pro tempore* may be appointed by the court.

Teste, &c., of writs, &c.

SECTION 7. All writs and processes, issuing from said court, shall bear teste of the standing justice, or, if there be no standing justice, then of a special justice of said court, and shall be signed by the clerk; and in other respects they, and the proceedings thereon, shall be substantially the same as in like cases before justices of the peace.

SECTION 8. The said police court shall be held on one

fixed day in each week, and as much oftener as may be necessary, for the entry and trial of civil actions, the hearing of motions, and such other civil business as may come before it, either in the court-house, or in any other suitable place within said city, which may be provided therefor by the city government, and may be adjourned to any other place in the said city as occasion shall require.

Time and place of holding the court.

SECTION 9. This act shall take effect from and after the first day of June, in the year one thousand eight hundred and forty-eight; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed. [*Approved by the Governor, April 26, 1848.*]

To take effect on the 1st of June; repeal of acts, &c.

An Act to incorporate the Hampshire Flax and Hemp Company.

Chap 215.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Cornelius Delano, Harrison Root, Cordial Crane, their associates and successors, are hereby made a corporation, by the name of the Hampshire Flax and Hemp Company, for the purpose of growing, rotting, dressing, and manufacturing flax and hemp, and the seed thereof, and of making machinery suitable therefor, in the county of Hampshire; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For the raising, &c., and manufacturing, of hemp and flax, in Hampshire County.

SECTION 2. Said corporation may hold real and personal estate for the purposes aforesaid, and their whole capital stock shall not exceed fifty thousand dollars. [*Approved by the Governor, April 26, 1848.*]

Estate, real and personal; capital stock not to exceed \$50,000.

An Act to authorize Daniel D. Kelly and William G. Holmes to extend their Wharf.

Chap 216.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Daniel D. Kelly and William G. Holmes, proprietors of a wharf and flats, situate on Sunner Street, and opposite Liverpool Street, in that part of Boston called East Boston, lying between and adjoining the estate of Henry Pidgeon and Benjamin Pool on the east side, and James Cunningham on the west, are hereby authorized to extend and maintain their wharf into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats

To extend a wharf in East Boston to the commissioners' line.

Proviso.

Proviso.

or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: and *provided* further, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 26, 1848.*]

Chap 217.

An Act to authorize Joseph P. Woodbury and James A. Woodbury to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

To extend a wharf in East Boston to the commissioners' line.

Joseph P. Woodbury, and James A. Woodbury, proprietors of a wharf and flats, situate on Border Street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Samuel Hall, and J. M. Forbes and R. B. Forbes, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: and *provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 27, 1848.*]

*Proviso.**Proviso.***Chap 218.**

An Act to incorporate the Massasoit Smelting Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

For the smelting and manufacturing of copper, &c., in Chelsea, &c.

SECTION 1. Thomas A. Dexter, Augustus Aspinwall, William Aspinwall, their associates and successors, are hereby made a corporation by the name of the Massasoit Smelting Company, for the purpose of smelting and manufacturing copper and copper ore on Point Shirley, so called, in the town of Chelsea, or on some one of the islands in Boston Harbor; with all the powers and privileges, and

subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real and personal estate, and their whole capital stock shall not exceed one hundred and fifty thousand dollars. [*Approved by the Governor, April 27, 1848.*]

Real and personal estate; capital stock not to exceed \$150,000.

An Act to authorize Francis J. Oliver to build a Wharf.

Chap 219.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Francis J. Oliver, proprietor of flats situated on Marginal Street, in that part of Boston known as East Boston, and lying between and adjoining land and flats now, or lately, belonging to Sumner and Fosdick, and Stephen White, is hereby authorized to build and maintain a wharf on said flats, and to extend it into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed the seventeenth day of March in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 27, 1848.*]

Wharf in East Boston to extend to commissioners' line.

Proviso.

Proviso.

An Act to incorporate the American Net and Twine Manufacturing Company.

Chap 220.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. David Fairbanks, Samuel Soper, Enos Nickerson, their associates and successors, are hereby made a corporation, by the name of the American Net and Twine Manufacturing Company, for the purpose of manufacturing nets, seines, twine and cordage adapted to the use of nets and seines, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For manufacturing nets, twine, cordage, &c., in Boston.

Real estate
not to exceed
\$50,000; cap-
ital stock not to
exceed
\$100,000.

SECTION 2. Said corporation may take and hold such real estate as may be necessary and convenient for carrying on the manufacturing aforesaid, not exceeding in value fifty thousand dollars; and the whole capital stock of said company shall not exceed one hundred thousand dollars. [Approved by the Governor, April 27, 1848.]

Chap 221.

An Act to authorize Ebenezer Weeks to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend
wharf in East
Boston to com-
missioners' line.

Ebenezer Weeks, proprietor of a wharf and flats, situated at the west end of Sumner Street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of Samuel Aspinwall and William Dillaway, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 27, 1848.]

Proviso.

Proviso.

Chap 222.

An Act to incorporate the Hadley Falls Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Thomas H. Perkins, George W. Lyman, Edmund Dwight, their associates and successors, are hereby made a corporation, by the name of the Hadley Falls Company, for the purpose of constructing and maintaining a dam across the Connecticut River, and one or more locks and canals in connection with the said dam; and of creating a water-power, to be used by said corporation, for manufacturing articles from cotton, wool, iron, wood, and other materials, and to be sold, or leased, to other persons and corporations, to be used for manufacturing or mechanical purposes, and also for the purposes of navigation; and shall have all the powers and privileges, and be subject to all the

To construct a
dam across
Connecticut
River, with
locks and
canals.
Water-power,
for manufac-
turing from cot-
ton, wool, iron,
wood, &c.

duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real estate not exceeding, in value, five hundred thousand dollars, exclusively of improvements; and their whole capital stock shall not exceed four millions of dollars, which shall be divided into shares of five hundred dollars each.

Real estate not exceeding \$500,000; Capital stock not to exceed \$4,000,000; shares \$500.

SECTION 3. Said corporation is hereby authorized and empowered to construct and maintain a dam across said river, at South Hadley, at any point between the present dam of the proprietors of the locks and canals on Connecticut River, and the lower locks of said proprietors, and of a height sufficient to raise the water to a point not exceeding the present level of the water above said last-mentioned dam.

Location, &c., of dam across the river at South Hadley.

SECTION 4. Said corporation shall pay such damages to the owners of the present fishing rights, existing above the dam which the said company is herein empowered to construct, as may be awarded by the county commissioners of the counties in which said rights exist.

Damages may be awarded by county commissioners.

SECTION 5. The Hadley Falls Company, or any of the owners of said fishing rights, may, at any time, apply to said county commissioners, to proceed to ascertain and determine the damages to said fishing rights; and, on such application, the said county commissioners shall appoint a time and place of meeting, to hear the parties interested, by advertising the same in one or more newspapers published in the counties of Hampshire and Franklin, four weeks, at least, previously to the day fixed for said meeting; and the said commissioners shall determine and award the damages to the said fishing rights, within sixty days from the date of said application to them for that purpose; subject, however, to an appeal to a jury from such assessments, in the same manner, and with like proceedings, as in cases of assessments of damages by county commissioners for land taken for highways; and all expenses accruing under such application to, and determination of, the county commissioners, shall be borne by the Hadley Falls Company.

Proceedings before the commissioners.

Appeal to a jury.

SECTION 6. For the purpose of reimbursing said corporation, in part, for the cost of keeping said locks and canals in repair, and tending the same, it shall be lawful for them, with the consent of the proprietors of the locks and canals on Connecticut River, to charge, on all descriptions of merchandise, boats, and rafts, the same rates of toll as are allowed by law to the said proprietors, for similar service.

Tolls to reimburse, &c.

SECTION 7. It is not intended hereby to empower the Hadley Falls Company to injure the works of the Connecticut River Railroad Company; and all questions which may arise between them, under the provisions of this act, may be

Connecticut River Railroad Company, how affected.

adjusted according to the mutual agreements already existing, or hereafter to be made, by said companies.

SECTION 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1848.*]

Chap 223.

An Act to incorporate the Salem and Lowell Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Joseph S. Cabot, Stephen C. Phillips, William Livingston, their associates and successors, are hereby made a corporation, by the name of the Salem and Lowell Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all the statutes subsequently passed, relating to railroad corporations.

Railroad from
Salem to
Lowell.

SECTION 2. Said corporation may construct and maintain a railroad upon the following route:—Beginning at some convenient point in the city of Salem; thence, passing through the North Parish of Danvers, and along the valley of Crane River, so called; thence, by the paper-mill in Middleton; thence, along the valley of Ipswich River, through Reading, to a point on the Lowell and Lawrence Railroad, in Tewksbury; and thence, along the track of the latter railroad, to Lowell: *provided, nevertheless*, that said corporation may proceed from the depot of the Essex Railroad, at South Danvers, along the valley of Proctor's Brook, so called, to the paper-mill in Middleton, and thence onward, by the route before described.

Proviso.

Bridge over
North River,
with draw;

SECTION 3. In case of crossing the North River at Salem, the said company shall build and maintain a suitable bridge, having a suitable draw for the passing and repassing of vessels; and the said company shall build the bridge, and locate, and make the draw of such width, and shall erect a pier or piers adjacent thereto, in such manner as the county commissioners of the county of Essex shall require, in writing; and the said company shall keep the draw and piers in good repair, and shall open the draw, and afford all reasonable accommodation to vessels having occasion to pass through the same, by day or by night; and if any vessel shall be unreasonably detained in passing the draw, by the negligence of said company in constantly providing agents to discharge faithfully the duties enjoined by this act, the owner, commander, or person having the consignment of said vessel, may recover reasonable damages therefor, of said company, in an action on the case, before any court competent to try the same.

to be erected
as required by
county commis-
sioners of Essex.

For neglect of
duty, company
liable to action
for damages.

SECTION 4. The capital stock of said railroad company shall consist of not more than four thousand shares, the number whereof shall be determined by the directors; and no assessment shall be laid thereon, of a greater amount, in the whole, than one hundred dollars on each share; and the said company may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots for the use of said road, and for the transportation of passengers and merchandise.

Capital stock,
not more than
\$400,000;
shares \$100.

SECTION 5. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls, or other profits, upon said road; but the said income shall not, without the consent of said corporation, be so reduced, as to yield less than ten per cent. per annum to the stockholders.

Legislature
may reduce
tolls.

SECTION 6. If the said company shall not, within one year, file a location of their route in the manner prescribed by law, or if said railroad shall not be completed within three years from the passage of this act, then this act shall be void.

Location and
completion.

SECTION 7. Said company may enter, with their railroad, by proper turn-outs and switches, upon the Essex Railroad, at Danvers or Salem, and upon the Lowell and Lawrence Railroad, at Tewksbury, and may use the same, or any part thereof, paying therefor such rate of toll as may be agreed upon, or as the legislature shall establish, and complying with such reasonable regulations as may be established by the Essex, or Lowell and Lawrence Railroad Companies: *provided*, that the corporation hereby created shall not enter upon said railroads with any motive power, unless the said railroad companies shall refuse to draw over their roads, or any part thereof, the cars of the corporation hereby established.

May use Essex
Railroad and
Lowell and
Lawrence Rail-
road.

Proviso.

SECTION 8. Said corporation may cross the track of the Boston and Maine Railroad, but no connection shall ever hereafter be formed between the tracks of said last-named railroad corporation and those of the corporation hereby created, nor shall the cars of the corporation hereby created be permitted to stop, for the purpose of receiving or delivering passengers or merchandise, at any point upon their own track, within one mile of the track of said Boston and Maine Railroad; and the supreme judicial court of this Commonwealth shall have power to restrain, by injunction, any attempts which shall be made, directly or indirectly, by the corporation hereby created, or by the Boston and Maine Railroad Corporation, to violate the conditions of this section. All injunctions, as aforesaid, may be granted by any justice of the supreme judicial court, according to the ordinary course of proceeding in courts of equity.

May cross the
track of B. & M.
Railroad.

Connection be-
tween the two
routes, for pas-
sengers, &c.,
how prohibited.

Injunction by
supreme ju-
dicial court.

Essex Railroad Company authorized to build part of route.

SECTION 9. The Essex Railroad Company are authorized to build and maintain so much of the route described in the second section of this act, as is included between Salem and the New Mills in Danvers: *provided*, that said Essex Railroad Company allow the corporation hereby created to maintain an independent track over their road-bed, between Salem and the New Mills, as aforesaid.

SECTION 10. This act shall take effect from and after its passage. [Approved by the Governor, April 26, 1848.]

Chap 224.

An Act to authorize Samuel Aspinwall to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend wharf in East Boston to commissioners' line.

Samuel Aspinwall, proprietor of a wharf situate on Border Street, in that part of Boston known as East Boston, and lying between and adjoining lands and flats of Ebenezer Weeks, and of the heirs of John Snelling, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the ends and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of said flats extended to the said commissioners' line: *and provided also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 28, 1848.]

Proviso.

Proviso.

Chap 225.

An Act to repeal the charter of the Massachusetts Fire and Marine Insurance Company, and to extend the time for settling its concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Powers under act of incorporation to cease on the first day of June next.

SECTION 1. The Massachusetts Fire and Marine Insurance Company shall, from and after the first day of June next, cease to be an insurance company, in the same manner, and to all intents, as if the act incorporating said company, and the several acts in addition thereto, would then have expired by their own limitation.

All acts, &c., by a committee appointed by

SECTION 2. All acts heretofore done, and all conveyances heretofore made, by a committee chosen at a meeting of the

stockholders of said company, held on the ninth day of September in the year one thousand eight hundred and forty-four, in pursuance of votes passed at said meeting, for closing the concerns of said company, are hereby ratified and confirmed.

SECTION 3. Said company shall continue to be a corporation for the purpose of settling its affairs, until the same shall be finally closed; with all the powers, and subject to all the limitations, except as to time, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes; and the stockholders of said company may choose, at a meeting to be called as hereinafter provided, two or more trustees to do all acts necessary and proper for this purpose.

SECTION 4. In case of the death, resignation, or inability, of either or any of said trustees, or of any future trustee, before the concerns of said company shall be finally closed, the then remaining trustees are hereby authorized, by an instrument under their hands, to fill such vacancy, and the trustees so appointed shall have the same authority in every respect as the trustees first chosen.

SECTION 5. Said trustees may call meetings of said stockholders whenever they shall deem it necessary, by giving notice of the time and place of such meetings by advertisement in two newspapers published in the city of Boston, ten days previous thereto; and one of said trustees shall keep a record of all votes of the stockholders passed at such meetings.

SECTION 6. This act shall not take effect unless it shall be accepted by the stockholders of said company, at a meeting to be called by three stockholders, by notice to be published in two newspapers printed in the city of Boston, ten days previous to said meeting; and a record of the proceedings of said meeting shall be kept by a stockholder to be chosen for that purpose, who shall act under oath, and who shall file with the secretary of the Commonwealth a copy of the vote accepting this act, within ten days after such acceptance. [Approved by the Governor, April 28, 1848.]

An Act to incorporate the Monterey Hydraulic Company.

Chap 226.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Egbert B. Garfield, Major Alger, Joseph W. Howe, their associates and successors, are hereby made a corporation, by the name of the Monterey Hydraulic Company, for the purpose of constructing, supporting and occupying, a reservoir of water in the town of Monterey, in the county of Berkshire, and of increasing the water-power of the stream running from the Brewer Pond, (so called,) for the benefit of the mills and manufacturing establishments

stockholders in 1844, confirmed.

Corporate powers continued for the purpose of closing concerns of the company; R. S. ch. 44, sec. 7, except as to time.

Trustees may be appointed.

Trustees authorized to fill vacancies.

Trustees may call meetings of stockholders.

This act to be accepted by the stockholders.

Vote of acceptance to be transmitted to Secretary of the Commonwealth.

Corporators.

To create and hold a water-power in Monterey, for manufacturing purposes.

thereon, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not to exceed \$30,000.

SECTION 2. Said corporation is hereby authorized to make and construct all necessary dams, gates and trenches, and to hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount thirty thousand dollars.

Deeds, &c., made to treasurer of Hydraulic Association, confirmed to the corporators.

SECTION 3. All deeds, leases, or other conveyances of real estate, heretofore made to Frederick D. Ingersoll, as treasurer of the Tyringham, Hartsville, and Mill River Hydraulic Association, shall enure to the benefit of, and be holden upon the same terms and conditions as if the same had been made directly to, said corporation by its corporate name. [Approved by the Governor, April 28, 1848.]

Chap 227.

An Act to authorize Otis Tufts to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend a wharf in East Boston to commissioners' line.

Otis Tufts, proprietor of a wharf near Webster Street, in that part of Boston known as East Boston, and lying between and adjoining the lands of the Boston Steam Flour Mill Company, and A. C. Lombard, on the one side, and the estate of Tuttle, Dexter and Smith, so called, on the other, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 28, 1848.]

Proviso.

Proviso.

Chap 228.

An Act to authorize Jeremiah Mayo and others to build a Breakwater and Wharves.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Breakwater in Brewster, with

Jeremiah Mayo and his associates are hereby authorized

to construct and maintain a breakwater near a place called "Point of Rocks," in the harbor of Brewster, and to extend the same from said point of rocks, easterly, eight hundred feet; also to construct and maintain wharves to connect with said breakwater; and shall have the right to lay vessels at said wharves, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 28, 1848.]

wharves connected therewith.

Proviso.

An Act giving power to the City Government in New Bedford respecting Timber and Lumber brought into that city for sale.

Chap 229.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The city government in New Bedford may ordain and establish, in said city, such ordinances and regulations, with suitable penalties, respecting the appointment of surveyors, and the survey and admeasurement of boards, plank, timber, and lumber of every description, brought by water, or otherwise, into said city for sale, as they may, from time to time, determine to be expedient and just. [Approved by the Governor, April 28, 1848.]

To establish ordinances, with penalties, for the survey of lumber, &c. Appointment of surveyors.

An Act to authorize Ammi C. Lombard, and others, to build Wharves.

Chap 230.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Ammi C. Lombard, Israel Lombard, and Charles O. Whitmore, proprietors of flats situate on Border Street, in that part of Boston known as East Boston, and lying between, and adjoining the land and flats of John J. Low and Francis Low, and of land and flats of the East Boston Company, are hereby authorized to build, extend, and maintain, wharves from said flats into the harbor channel, as far as the line established by the act entitled "An act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the ends and sides of said wharves, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats or land of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line: and *provided, also*, that so much of said wharves as may be constructed below low-water mark shall be built on piles, which shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, April 28, 1848.]

To build wharves in East Boston to the commissioners' line.

Proviso.

Proviso.

Chap 231.

An ACT to incorporate the Saugus Branch Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Edward Pranker, George W. Raddin, William Parker, Joshua Webster, James Eaton, Gilbert Haven, their associates and successors, are hereby made a corporation, by the name of the Saugus Branch Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and in all statutes subsequently passed relating to railroad corporations.

Route of railroad.

SECTION 2. The said corporation may construct and maintain a railroad upon the following route:—Beginning at a point at or near Sweetser's Mills, in Saugus; thence, passing through the centre of Saugus, through the east village in Malden; thence, through the centre of Malden, to unite with the Boston and Maine Railroad, at some convenient point in the town of Malden.

*Capital stock
\$120,000;
shares \$100.*

SECTION 3. The capital stock of said railroad corporation shall consist of not more than twelve hundred shares, the number of which shall be determined, from time to time, by the directors thereof; and no assessment shall be made thereon of a greater amount, in the whole, than one hundred dollars on each share; and the said corporation may purchase and hold such real estate, materials, engines, cars, and other things, as may be necessary for depots for the use of said road, and for the transportation of persons, goods, and merchandise.

Location and completion.

SECTION 4. If the said corporation be not organized, and if the location of their said road be not filed, according to law, within two years from the passage of this act, or if the same railroad be not completed within four years from the passage of this act, then this act shall be void.

Road may be used by other companies.

SECTION 5. The legislature may authorize any corporation to enter with another railroad at any point of said Saugus Branch Railroad, and use the same, or any part thereof, paying therefor such a rate of toll or compensation as the legislature may, from time to time, prescribe, or that may be fixed under the provisions of any general law of this Commonwealth, complying with the rules and regulations which may be established by said Saugus Branch Railroad Corporation: *provided, however,* that no other corporation shall enter upon said Saugus Branch Railroad with any motive power, unless the said Saugus Branch Railroad Corporation shall refuse to draw over their railroad, or any part thereof, the cars of any other railroad corporation which may be authorized to enter with their railroad upon said Saugus Branch Railroad.

Proviso.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 28, 1848.*]

An Act to authorize George W. Brown and Josiah G. Lovell to extend their Wharf.

Chap 232.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George W. Brown and Josiah G. Lovell, proprietors of a wharf and flats, situate on Sumner Street, and opposite London Street, in that part of Boston known as East Boston, and lying between and adjoining the land and flats of the heirs of Jesse Tuttle on the east side, and Larkin Thorndike on the west, are hereby authorized to extend and maintain their wharf into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty ; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line; *and provided, also,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, April 28, 1848.*]

To extend a wharf in East Boston to commissioners' line.

Proviso.

Proviso.

An Act to incorporate the Town of Chicopee.

Chap 233.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. All that part of the town of Springfield, which lies northerly of the following described lines, namely, beginning at a stone monument, by two oak trees, standing together on the bank of Connecticut River, near to and northerly of the house of Edwin Spooner, and running thence westerly, by a line at right angles with the river, to the easterly line of West Springfield; thence returning to said stone monument, and running thence northeasterly a straight line to a stone monument standing on the southerly bank of Chicopee River, at or near the westerly extremity of the "Birchem Bend" of said river, so called; thence the same course to the thread of said Chicopee River; and thence easterly, by the thread of said river, to a point oppo-

Town of Chicopee formed from Springfield. Boundaries.

Boundaries.

site to the south-west corner of the town of Ludlow; and thence to the said corner of Ludlow; and bounded easterly by said town of Ludlow, northerly by the towns of Granby and South Hadley, and westerly by the town of West Springfield, is hereby incorporated into a separate town, by the name of Chicopee. And the said town of Chicopee is hereby vested with all the powers, privileges, rights, and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Of taxes.

SECTION 2. The inhabitants of said town of Chicopee shall be holden to pay, to the collector of the town of Springfield, all arrearages of taxes legally assessed on them in the said town of Springfield before the passage of this act, and shall also be holden to pay their proportion of state and county taxes that may be assessed upon them previously to the taking of the next valuation; said proportion to be ascertained and determined by the town valuation of the town of Springfield next preceding the passage of this act. And the said town of Chicopee shall be holden to pay their just and equitable proportion of the debts due and owing from the town of Springfield, and shall be entitled to receive their just and equitable proportion of all corporate property, school and surplus revenue funds, and other assets, now owned and held by said town of Springfield; and shall be liable to refund any portion of said surplus revenue which they shall receive, when the same is called for, according to the provisions of law.

Debts.

Corporate property, funds, &c.

Pending suits.

SECTION 3. The suit at law now pending in favor of said town of Springfield against the town of Worcester, may be prosecuted to final judgment, at the expense and for the benefit of said towns of Springfield and Chicopee. And the suit in equity, now pending in favor of said town of Springfield, against the Connecticut River Railroad Company, shall be assumed, and may be prosecuted to final judgment, by said town of Chicopee, in the name of said town of Springfield, at the expense and for the benefit of said town of Chicopee.

Paupers.

SECTION 4. Said towns of Springfield and Chicopee shall be respectively liable for the support of all persons who now do, or shall hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within their respective limits.

In case of disagreement in dividing property, &c., court of common pleas for Hampden County may act in the premises.

SECTION 5. In case said towns should not agree in respect to a division of property, funds, debts, or town paupers, or state or county taxes, the court of common pleas for the county of Hampden shall, upon petition of either town, appoint three competent and disinterested persons, to hear the parties, and award thereon; and their award, or that of any two of them, accepted by the court, shall be final.

SECTION 6. Said town of Chicopee shall continue to be a part of the town of Springfield, for the purpose of electing representatives to the general court, state officers, senators, representative to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment of the constitution; and all meetings for the choice of said officers shall be called by the selectmen of Springfield, and shall be holden in the town of Springfield. The selectmen of Chicopee shall make a true list of persons within their town, qualified to vote at every such election, and shall post up the same in said town of Chicopee, and shall correct the same, as required by law, and shall deliver the same to the selectmen of Springfield, before any such election, by whom the same shall be taken and used; in the same manner as if it had been prepared by themselves.

Elections for representatives, &c., to be as heretofore until the next decennial census.

Meetings, how called.

SECTION 7. Any justice of the peace for the county of Hampden may issue his warrant, directed to any principal inhabitant of said town of Chicopee, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are, by law, authorized and required to choose at their annual meetings. And said warrant shall be served by publishing a copy thereof in some newspaper printed in said Chicopee, and by posting up copies thereof, all attested by the person to whom the same is directed, in four public places in said town, seven days, at least, before the time of meeting. Such justice, or, in his absence, such principal inhabitant shall preside, till the choice of a moderator in said meeting. The selectmen of Springfield shall, before said meeting, prepare a list of voters in said town of Chicopee, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting, before the choice of a moderator thereof.

First meeting of new town for election of officers, how to be warned, &c.

SECTION 8. The town meetings, required by law to be holden in the several towns in the Commonwealth in the months of March or April, may be holden in the said towns of Springfield and Chicopee in the months of April or May next; and at said meetings, all the elections may be had in said town of Springfield, and all other business transacted in each of said towns, as if the said meetings were holden as now provided by law.

Annual meetings, when to be held the present year.

SECTION 9. This act shall take effect from and after its passage. [*Approved by the Governor, April 29, 1848.*]

Chap 234.

An Act relating to Probate Courts in the County of Essex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Newburyport.

Gloucester.

Andover.

Lawrence.

From and after the first day of July next, a probate court shall be held annually, in Newburyport, on the last Tuesdays in March, June, September, and December ; at Gloucester, on the third Tuesdays in January and July ; and at Andover, on the second Tuesdays in February and August, instead of the times now required in those towns ; and at Lawrence on the second Tuesdays in June and December. [Approved by the Governor, April 29, 1848.]

Chap 235.

An Act concerning Remedies for the Collection of Taxes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Provision of R. S., chap. 8, sec. 15, that collector of taxes may sue in his own name, extended.

Proviso.

The remedies, prescribed in the fifteenth section of the eighth chapter of the Revised Statutes, are so far extended, that a collector of taxes may sue in his own name, as therein provided, for any tax lawfully assessed upon the personal estate of any deceased person, and maintain his action against the executor, or general or special administrator : *provided, however,* that nothing herein contained shall affect preëxisting remedies, or priorities established by law. [Approved by the Governor, April 29, 1848.]

Chap 236.

An Act authorizing the Supreme Judicial Court to adjourn the same in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Adjournment from one shire town in a county to another, for trial of indictment.

SECTION 1. The supreme judicial court shall have power to adjourn the same, at any established term thereof in any shire town in any county, to any other shire town in said county, for the trial of any indictment against any person or persons charged with a capital offence therein pending, whenever said court shall deem it expedient so to do ; and all recognizances, and processes, and persons required to be returned to, and to appear at, said established term, shall be returnable to, and have day in, said adjourned term, after such adjournment.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 1, 1848.]

Chap 237.

An Act to authorize Towns to take Land for Schoolhouses.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lots for school-houses may be taken by a town

SECTION 1. Whenever a suitable place shall have been designated, by any town or school district, for the erection

of a schoolhouse and necessary buildings, agreeably to the provisions of the twenty-third chapter of the Revised Statutes, and the owner of the land shall refuse to sell the same, or shall demand therefor a price which, in the opinion of the selectmen, is unreasonable, the said selectmen, with the approbation of the town, may proceed to select, at their discretion, a schoolhouse lot, and lay out the same, not exceeding in quantity forty square rods, and to appraise the damages to the owner of such land, in the same way and manner as is provided for laying out townways and appraising damages sustained thereby; and upon payment, or tender of payment, of the amount of such damages, by the town or district designating such schoolhouse lot, to the owner thereof, the said land shall be taken, held, and used, for the purpose for which it is designated.

or district school, where owners refuse to sell, or demand an unreasonable price; damages to be appraised, and payment made or tendered by selectmen.

SECTION 2. Whenever the owner of such land shall feel aggrieved by the selection and location of such lot, and the damages awarded, he shall be entitled to have the matter of complaint tried by a jury, which may be applied for within one year after the location of such lot, and shall be ordered accordingly by the county commissioners; and the jury shall have the power to change the location and assess the damages, and the proceedings shall, in all respects, be conducted in the same manner as is provided in cases of damages by laying out highways; and if the damages shall be increased, or the location be changed by the jury, the damages and all charges shall be paid by the town or district for whose benefit the lot is selected; otherwise, the charges which may arise on such application shall be paid by such applicant. And the land so taken shall be held and used for no other purpose than that contemplated in this act, and shall revert to the owner, his heirs or assigns, upon the discontinuance thereon, for one year, of such school as is now, or may hereafter be, required of the town or district by law.

Appeal to a jury within a year, may be allowed by county commissioners.

Same proceedings as in cases of damages by laying out highways.

Land shall revert to the owners, &c., if school be discontinued for one year.

SECTION 3. All such provisions of law as are inconsistent with this act are hereby repealed. [*Approved by the Governor, May 1, 1848.*]

Repeal of inconsistent acts.

An Act to incorporate the Suffolk County Mills.

Chap 238.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Thomas A. Staples, Junius Hall, Valentine Martin, their associates and successors, are hereby made a corporation, by the name of the Suffolk County Mills, for the purpose of manufacturing flour and meal in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For the manufacture of flour and meal in Boston.

Real and personal estate.

Capital stock not to exceed \$150,000;

SECTION 2. Said corporation may hold real and personal estate for the purpose aforesaid, and their whole capital stock shall not exceed one hundred and fifty thousand dollars. [Approved by the Governor, May 2, 1848.]

Chap 239.

An Act to incorporate the Boston House Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. John C. Warren, John Tappan, Moses Grant, their associates and successors, are hereby made a corporation, by the name of the Boston House Company, for the purpose of erecting a public house in the city of Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

For the erection of a public house in Boston.

Real and personal estate not exceeding \$500,000.

Act to be void if ardent spirits, &c., shall be sold in said house.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount five hundred thousand dollars.

SECTION 3. If any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, or by their lessees, or by persons in their employ, in said house, then this act shall be void. [Approved by the Governor, May 2, 1848.]

Chap 240.

An Act imposing a Penalty on Town or City Officers, for neglect of certain duties.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty not exceeding \$200 for wilful neglect, &c., of duty under R. S., ch. 5, concerning election of state officers.

If any selectman, or other town or city officer, shall wilfully neglect or refuse to perform any of the duties required of him by the fifth chapter of the Revised Statutes, he shall forfeit a sum not exceeding two hundred dollars, to be recovered in the manner provided in the twelfth section of said fifth chapter. [Approved by the Governor, May 2, 1848.]

Chap 241.

An Act to incorporate the Boston Steam Dock Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Albert H. Murdock, John Lilley, Uriah Higgins, their associates and successors, are hereby made a corporation by the name of the Boston Steam Dock Company, for the purpose of constructing, maintaining, using and improving, docks and wharves in the city of Boston, suitable for building and repairing steamships and other vessels, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

For the building, using, &c., of docks and wharves in Boston for steamships.

SECTION 2. Said corporation is hereby authorized to construct and maintain wharves and docks on and from land lying in that part of Boston known as East Boston, between and adjoining the iron works of Curtis and Company and the ship-yard of Samuel Hall, and to extend the same into the harbor channel as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels in said docks, and at the ends and sides of said wharves, and receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or lands of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of said flats, continued to the said commissioners' line; *and provided, also*, that so much of said wharves and docks as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any person whatever.

Limits of wharves and docks at East Boston may be extended to commissioners' line.

Proviso.

Proviso,

SECTION 3. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding in amount two hundred thousand dollars. [*Approved by the Governor, May 2, 1848.*]

Real and personal estate, not to exceed \$200,000.

An Act to establish the Massachusetts Agricultural Institute.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap 242.

SECTION 1. Edward Hitchcock, William B. Calhoun, Samuel L. Hinckley, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Agricultural Institute, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

Corporators.

SECTION 2. Said corporation may hold real and personal estate, to the amount of fifty thousand dollars, for the purpose of establishing, in some one of the towns lying on the banks of the Connecticut River, or in a town immediately adjoining such towns, an agricultural school and experimental farm, the object of which shall be instruction in agricultural science, and improvements in all the arts connected with the practice of farming.

May hold real and personal estate, \$50,000, for Agricultural School.

SECTION 3. The management of the affairs of said corporation shall be entrusted to a board of seven trustees, five of which shall be elected by the corporation, and the other two shall be appointed by the governor and council.

Board of trustees; two to be appointed by governor and council.

Annual Report
to legislature of
the condition of
the school.

SECTION 4. Said corporation shall annually, in the month of January, make to the legislature a report of its progress, the number of its pupils, the condition of its finances, the general course of instruction adopted and pursued, and the results of its agricultural experiments.

SECTION 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1848.*]

Chap 243.

An Act to set off a part of the Town of Clarksburg, and to annex the same to the Town of Florida.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Inhabitants and
estates set off.

SECTION 1. So much of the town of Clarksburg, with the inhabitants thereon, as lies easterly of the following described line, is hereby set off from said Clarksburg, and annexed to the town of Florida, to wit: beginning at the north-east corner of the town of Adams; thence, northerly, in the same straight line with the east line of said town of Adams, to the northern line of the Commonwealth of Massachusetts.

Taxes.

SECTION 2. Said inhabitants and estates, so set off, shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Clarksburg, to the treasurer thereof, in the same manner as if this act had not been passed; and also their just proportion of all county and state taxes that may be assessed upon said town previous to the taking of the next state valuation; said proportion to be ascertained and determined by the valuation of the town of Clarksburg next preceding the passage of this act.

Debts.

SECTION 3. Said inhabitants and estate, hereby set to the town of Florida, shall be liable to pay their proportion of all debts existing against the town of Clarksburg at the time of the passage of this act; and also their just proportion of the expenses necessarily incurred in the support of all paupers who, at the time of the passage of this act, are receiving support from said town of Clarksburg, according to the valuation of said town next preceding this act.

Expenses for
paupers.

Florida here-
after liable to
support of pau-
pers on territory
set off.

SECTION 4. The town of Florida shall be liable for the support of all persons who may, after the passage of this act, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence within the limits of the territory hereby set to said town.

In case of dis-
agreement con-
cerning debts,
&c., Court of
C. P. may ap-
point three per-
sons to make
award.

SECTION 5. In case the town of Clarksburg, and the inhabitants hereby set to Florida, shall not agree in regard to the amount which said inhabitants are to pay toward the town debts of said Clarksburg, or for the support of paupers, or any other matter growing out of the passage of this act; the court of common pleas for the county of Berkshire is

hereby authorized to, and shall, upon the petition of either party, appoint three competent and disinterested persons to hear the parties, and award thereon; and any award made by said three persons, or any two of them, and accepted by the said court, shall be final, and the expense of any such arbitration shall be paid by the parties respectively, in such proportions as said arbitrators shall determine.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 2, 1848.*]

An Act relating to the Wesleyan Academy, in the Town of Wilbraham.

Chap 244.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The number of the trustees of said academy shall never exceed thirty, nor be less than fifteen, eight of whom shall be necessary to constitute a quorum for doing business; but a less number may, from time to time, adjourn until a quorum can be constituted; any thing contained in the fifth section of the act relating to said academy, approved on the seventh day of February, in the year one thousand eight hundred and twenty-four, to the contrary, notwithstanding.

Trustees not to exceed thirty, nor less than fifteen.

SECTION 2. That there be, and hereby is, granted to the trustees of the Wesleyan Academy, in the town of Wilbraham, and their successors, for the sole use and benefit of said academy, half the proceeds of the first sale of a township of six miles square, (which would otherwise have gone to the school fund,) of lands in the State of Maine, which may be made by this Commonwealth after the first day of September, in the year of our Lord one thousand eight hundred and forty-eight: *provided*, said trustees give bonds to the treasurer of the Commonwealth, faithfully to apply the proceeds of the sale of said half a township to the benefit of said academy.

Half the proceeds of sale of township in Maine granted for benefit of the academy.

Proviso.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 3, 1848.*]

An Act to incorporate the Salem Charitable Building Association.

Chap 245.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. John Ball, Israel D. Shepard, William H. Chase, their associates and successors, are hereby made a corporation, by the name of the Salem Charitable Building Association, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in the pub-

Corporators.

lic statutes which have been, or may be, passed relating to such corporations.

For the erection of blocks of buildings in Salem, at low rents, for the poor.

SECTION 2. Said corporation is hereby empowered and authorized to erect, in the city of Salem, one or more blocks of buildings, for the purpose of letting the same, at low rents, to such indigent and worthy persons as may be desirous of obtaining such tenements.

Capital stock not to exceed \$30,000. Real and personal estate not to exceed \$30,000.

SECTION 3. The capital stock of said corporation shall not exceed thirty thousand dollars, to be divided into such number of shares as they may deem expedient; and said corporation may purchase and hold such real and personal estate as may be necessary for the purpose, not exceeding the sum of thirty thousand dollars.

Profits not to exceed six per cent.

SECTION 4. The profits arising from the rents of said buildings shall not, in any case, exceed six per cent. per annum to the stockholders. [*Approved by the Governor, May 3, 1848.*]

Chap 246.

An Act to repeal a portion of "An Act to change the Names of the Persons therein mentioned," passed in the year one thousand eight hundred and forty-seven.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Joseph Coy Chickering to resume his old name.

So much of the act, entitled "An Act to change the Names of the Persons therein mentioned," passed on the twenty-sixth day of April, in the year one thousand eight hundred and forty-seven, as provides that Joseph Bunnell Coy may take the name of Joseph Coy Chickering, and shall be known and called thereby, and that the same shall be considered as his only proper and legal name, is hereby repealed. [*Approved by the Governor, May 3, 1848.*]

Chap 247.

An Act concerning Indigent Children.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Overseers of poor, &c., to make return annually, to secretary of Commonwealth, of children under 14 years of age, supported by the public.

SECTION 1. The overseers of the poor of the several towns, and the directors of the almshouses of the several cities, shall make, and transmit to the secretary of the Commonwealth, on or before the third Monday in November in each and every year, correct returns of all the children in their respective towns and cities, under fourteen years of age, who are supported at the public charge; and, in said returns, shall specify the name, age, and sex, of each child so supported.

Blank forms to be furnished.

SECTION 2. Suitable blank forms for such returns shall be furnished to each town and city, by the secretary of the Commonwealth; and he shall prepare yearly abstracts thereof, and shall lay the same before the general court. [*Approved by the Governor, May 3, 1848.*]

An Act authorizing the County Commissioners of the County of Barnstable to lay out a Highway, and to build a Bridge across Garden River and Bass Hole Creek.

Chap 248.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners of the county of Barnstable are hereby empowered, if, in their opinion, the public necessity and convenience require it, to lay out a highway, and to cause to be constructed a sufficient bridge across Chase's Garden River, or the main creek leading to the Bass Hole, so called, in the towns of Dennis and Yarmouth, at such place as, in their opinion, may seem most convenient and expedient for the public travel; and said bridge shall be furnished with a draw, suitable, in the opinion of said commissioners, for the passage of vessels usually navigating said creek; and said commissioners, in carrying into effect the provisions of this act, shall, in all respects, conform to the existing laws relating to laying out common highways. [Approved by the Governor, May 3, 1848.]

Highway, with bridge, in the towns of Dennis and Yarmouth.

Draw.

An Act to incorporate the Pentucket Navigation Company.

Chap 249.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. James R. Nichols, James H. Carleton, Eleazer A. Porter, their associates and successors, are hereby made a corporation, by the name of the Pentucket Navigation Company, for the purpose of improving the navigation of Merrimack River, between the head of tide-water, at the town of Haverhill, and some convenient point in the town of Lawrence, below the dam of the Essex Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

To improve Merrimack River for navigation, between Haverhill and Lawrence.

SECTION 2. Said corporation, for the purpose aforesaid, are hereby authorized to deepen the channel of said river, by cutting down and removing any gravel, ledge, bars, rocks, or other obstructions, in the bed thereof, and to erect in said river, and upon the shores or banks thereof, suitable booms, piers, abutments, breakwaters, and other facilities to promote steam navigation; and shall have the exclusive right of navigating said river with boats propelled by steam, for the transportation of passengers and freight for hire, between the head of tide-water, in said town of Haverhill, and some convenient point in the town of Lawrence, below the dam of said Essex Company, for the term of twenty-five years from the passage of this act: *provided*, that the said corporation shall, within five years from the passage of this act, have so improved the navigation of said river,

To remove obstructions, erect piers, breakwaters, &c.

Corporation to have exclusive right, for 25 years, to navigate with steam.

Provide.

Proviso.

as that boats of at least twenty-five tons burden may pass between the points above named, and that they shall have and keep one boat, at least, to run daily and regularly between said points, from the month of April to the month of October in each year: *and provided, also*, that nothing contained in this act shall be construed to authorize said corporation to obstruct the floating of logs, rafts, or lumber, in said river, or the navigation thereof by small boats and scows, or to raise the surface of the water, at the mouth of the Cochituate Brook or Shawsheen River, above its present water-level; and this grant shall in no wise impair the legal rights of any person whatever.

SECTION 3. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. [Approved by the Governor, May 3, 1848.]

Chap 250. An Act giving further Time to the President, Directors, and Company, of the Cohannet Bank, to close their concerns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Cohannet Bank continued a corporation for fifteen months, from July 1, 1848.

The president, directors, and company, of the Cohannet Bank, are hereby continued a body corporate, for the period of one year and three months from the first day of July, in the year one thousand eight hundred and forty-eight, with all the powers and privileges, and subject to the limitations, set forth in the seventh section of the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, May 3, 1848.]

Chap 251. An Act for limiting the Liabilities of Banks that have surrendered their Charters.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Supreme judicial court authorized to fix the liabilities of banks surrendering charters.

Any stockholder or creditor, of any bank established in this Commonwealth, that shall have surrendered its charter, may, for the purpose of limiting the time beyond which its liabilities shall be barred, apply, by petition, therefor, to the supreme judicial court, and said court shall have as full power to fix such limitation, as if such bank, were before said court by a creditor's bill in chancery, or under the forty-fourth chapter of the Revised Statutes. [Approved by the Governor, May 3, 1848.]

Chap 252. An Act relating to Actions against Assignees of Insolvent Estates.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

No action shall be brought to charge an assignee, under

any of the insolvent acts of this Commonwealth, to answer in damages out of his own estate, upon any special promise, unless the promise, contract, or agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by such assignee, or by some person thereunto by him legally authorized. [*Approved by the Governor, May 3, 1848.*]

How assignees of insolvent estates shall be personally liable.

An Act to increase the Capital Stock of the Boston and Worcester Railroad Corporation.

Chap 253.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Boston and Worcester Railroad Corporation are hereby authorized and empowered to increase their capital stock by the creation of an additional number of shares, to be assessed to the same amount as the shares which are already created by their act of incorporation, and the acts in addition thereto: *provided*, that the additional number of shares so to be created shall not exceed ten thousand: *and provided, also*, that hereafter the said corporation shall not commence the location or construction of any branch railroad without the leave of the legislature, unless the location thereof shall be filed with the county commissioners, according to law, within one year; and the construction of all branch railroads that have been, or may hereafter be, located by said corporation, shall be completed within two years from the passage of this act.

Capital stock increased not to exceed 10,000 shares.

Proviso.

Proviso, concerning branch roads.

SECTION 2. This act shall not take effect until it shall have been accepted by a majority of the stockholders of said corporation, at a meeting to be called for that purpose. [*Approved by the Governor, May 4, 1848.*]

Act to be accepted by stockholders.

An Act concerning the Writ of Habeas Corpus.

Chap 254.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person who shall resist the service of the writ of habeas corpus, or disobey the same when served, shall be liable to attachment, as for a contempt of the court or judge before whom the writ is returnable. [*Approved by the Governor, May 4, 1848.*]

For resisting service of habeas corpus, liability to attachment as for contempt of court.

An Act changing the Place for holding certain Terms of Probate Courts in the County of Worcester.

Chap 255.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. A court of probate shall be holden in the town of West Brookfield, in the county of Worcester, on the second Tuesdays of May and October in each year.

Terms to be held in West Brookfield.

Act repealed.

Clause in former act repealed.

SECTION 2. An act entitled "An Act changing the place for holding certain terms of probate courts in the county of Worcester," passed on the twenty-first day of April, one thousand eight hundred and forty-eight, and so much of the first section of an act, entitled "An Act to establish the terms of the court of probate in the county of Worcester," as provided for the holding a court of probate in the town of Brookfield, passed on the twelfth day of April, one thousand eight hundred and thirty-seven, are hereby repealed.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, May 4, 1848.]

Chap 256.

An Act to authorize Moses Miller to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend a wharf in East Boston to commissioners' line.

Moses Miller, proprietor of a wharf situate in that part of Boston known as East Boston, and lying between and adjoining the land and flats of the heirs of the late John Snelling and Samuel Curtis, and others, is hereby authorized to extend and maintain his wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to the said commissioners' line: *and provided, also*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and that this act shall in no wise impair the legal rights of any persons or corporations whatever. [Approved by the Governor, May 5, 1848.]

Proviso.

Proviso.

Chap 257.

An Act to incorporate the Merrimack Machine Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Warren Aldrich, Levi B. Tyng, Francis A. Calvert, their associates and successors, are hereby made a corporation by the name of the Merrimack Machine Company, for the purpose of manufacturing machinery, steam-engines, and all work connected with that branch of business, in the city of Lowell, with all the powers and privi-

For manufacture of machinery, steam-engines, &c., in Lowell.

leges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount one hundred thousand dollars. *[Approved by the Governor, May 5, 1848.]*

Estate, real and personal, not exceeding \$100,000.

An Act to extend the time for paying in the Capital Stock of the Traders' Fire and Marine Insurance Company.

Chap 258.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The time, within which the capital stock of the Traders' Fire and Marine Insurance Company, in Boston, is by law required to be paid in, is hereby extended to the twenty-sixth day of April, in the year one thousand eight hundred and forty-nine. *[Approved by the Governor, May 5, 1848.]*

Time for paying in extended to April 26th, 1849.

An Act to incorporate the Worcester Coal Mining Company.

Chap 259.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Alexander Dewitt, Francis T. Merrick, George Bowen, their associates and successors, are hereby made a corporation by the name of the Worcester Coal Mining Company, for the purpose of mining coal in the town of Pawtucket, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

For the raising of coal in Pawtucket.

SECTION 2. The said company may hold real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars.

Real estate, \$50,000 ; whole capital stock not to exceed \$150,000.

SECTION 3. The place of business of said company shall be in the town of Worcester.

Place of business at Worcester.

SECTION 4. Either of the persons named may call the first meeting of said corporation, by publishing this act in one or more of the daily papers printed in said Worcester, fourteen days before such meeting is to be held, stating therein the time and place of meeting. *[Approved by the Governor, May 5, 1848.]*

First meeting, how to be called.

An Act to establish a Police Court in the Town of Lawrence.

Chap 260.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. A police court is hereby established in the town of Lawrence, to consist of one learned, able, and dis-

Police Court in Lawrence.

creet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offences, and misdemeanors, committed within the town of Lawrence, whereof justices of the peace now have, or may hereafter have jurisdiction. And the court hereby established shall hear and determine all suits, complaints, and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to, and consistent with, such powers and authority. And the said police court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined, before any justice of the peace in the county of Essex, and exclusive jurisdiction, whenever all the parties reside in Lawrence, and service of the writ is had on the defendant in said county; and no writ, in any such suit or action, shall be made returnable before any justice within said town of Lawrence, but to said police court only; and an appeal shall be allowed from all judgments of said police court, in like manner, and to the same extent, that appeals are now allowed by law from judgments of justices of the peace; and the justice of said police court shall not be of counsel or attorney to any party in any matter or thing whatsoever, which may be pending in said court.

All warrants shall be returned before said court.

SECTION 2. All warrants, issued by said court, or by any justice of the peace within said town, shall be made returnable and shall be returned before said court; and if any warrant shall be issued by any justice of the peace, returnable before said court, the lawful fees payable therefor shall not be paid or allowed, unless, on examination in hearing before said court, it shall appear to said court that there was just and reasonable cause for issuing said warrant, in which case such fees, costs, and charges shall be allowed and taxed, in like manner, as though said warrant had been issued by a justice of the peace, according to the law now in force.

Fines, costs, &c., to be accounted for as in case of justices of the peace.

SECTION 3. All fines and forfeitures, and all costs in criminal prosecutions, which shall be received by or paid into the hands of the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace; and all costs in such prosecutions not thus received shall be made up, taxed, certified, and allowed, and shall be paid and satisfied, in like manner as is provided by law in cases of justices of the peace.

Court, how often to be held.

SECTION 4. A court shall be held by said justice, at some suitable and convenient place, to be provided at the expense of said town of Lawrence, on two several days of each

week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offences, and misdemeanors, and, on one day in each fortnight, at ten of the clock in the forenoon, and may be adjourned from day to day by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof.

For crimes, &c.

For civil suits.

SECTION 5. The justice of said court shall retain to his own use all fees by him received, or which now accrue to justices of the peace in civil actions and criminal prosecutions, in full compensation for all services assigned to him by the provisions of this act.

Compensation.

SECTION 6. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return, to the several courts, of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also annually, in the month of January, exhibit to the selectmen of said town of Lawrence a true and faithful account of moneys by him received as fees.

Justice to keep a record, and return all processes, &c.

Account of fees to be rendered.

SECTION 7. All suits, actions and prosecutions, which shall be instituted and pending before any justice of the peace, within the town of Lawrence, when this act shall take effect, shall be heard and determined as though this act had not been passed.

Pending suits, &c.

SECTION 8. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court; and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall, from any cause, be unable to hear and determine any matter or thing pending therein, the cause shall be assigned on the record by the standing or special justice, and the court shall be held, and its jurisdiction exercised, by one of said special justices. And the said special justice shall be paid, for the services by him performed, out of the fees received in said court, such sum as the standing justice would be entitled to receive for the same services.

Two special justices.

Compensation.

SECTION 9. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the passing of this act. [Approved by the Governor, May 5, 1848.]

An Act to incorporate the Eliot Mills.

Chap 261.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. John Nesmith, Isaac Farrington, Thomas Nesmith, their associates and successors, are hereby made a

Corporators.

For the manufacture of cotton, woolen, and linen goods, in Chelmsford, Lowell and Dracut.

Real and personal estate, not to exceed \$200,000.

corporation, by the name of the Eliot Mills, for the purpose of manufacturing cotton, woolen, and linen goods in Chelmsford, Lowell and Dracut; and, for these purposes, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount two hundred thousand dollars.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, May 5, 1848.]

Chap 262.

An Act relating to Returns of County Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Act repealed requiring county commissioners to make returns concerning highways laid out, &c.

An act passed on the twenty-third day of March, in the year one thousand eight hundred and forty, relating to returns to be made by county commissioners into the secretary's office, is hereby repealed. [Approved by the Governor, May 5, 1848.]

Chap 263.

An Act in addition to an Act incorporating the Essex Railroad Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend their railroad.

SECTION 1. The Essex Railroad Company are authorized to extend their railroad from a point near the mouth of Cochichewick River, in Andover, across the Boston and Maine Railroad and the Merrimack River, to a point in Lawrence, on or near Union Street, so called, and thence to a point of junction with the Boston and Maine Railroad, in Methuen, or to the terminus of the Manchester and Lawrence Railroad, at the line of the state.

May enter upon the B. & M. Railroad in Andover and Methuen.

SECTION 2. The said company are authorized to enter upon, and unite their railroad, by proper turn-outs and switches, with the Boston and Maine Railroad, in Andover, and also in Methuen, and to use the same, or any part thereof, according to law: *provided*, that the said company, in case of extending their road in the manner provided in the first section, shall not have authority to enter upon and use that part of the Boston and Maine Railroad, in Lawrence, which extends from the right bank of the Merrimack River, across and beyond said river, without the consent of the Boston and Maine Railroad Company.

Proviso.

Provisions in regard to crossing the track of the B. & M. Railroad.

SECTION 3. The Essex Railroad Company, in crossing with their road the track of the Boston and Maine Railroad, shall, at their own expense, adopt such reasonable precautionary measures to render such crossings safe, as said Boston and Maine Railroad Company shall, in writing,

prescribe; and, in case of disagreement in regard to such measures, or the propriety or necessity thereof, the same shall be determined by the county commissioners of Essex County, on the application of either party.

SECTION 4. The said company are authorized to increase their capital stock, by an amount not exceeding one hundred and fifty thousand dollars.

Capital stock may be increased, not to exceed \$150,000.

SECTION 5. If the location of the section of railroad hereby authorized is not filed according to law before the first day of January next, or if said company shall not complete said road, to the extent provided in the first section of this act, within three years from the date of the same, then this act shall be null and void.

Location and completion.

SECTION 6. This act shall take effect from and after its passage. [*Approved by the Governor, May 6, 1848.*]

An Act concerning the Grand Junction Railroad and Depot Company.

Chap 264.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Grand Junction Railroad and Depot Company are hereby authorized and empowered to locate, construct, and maintain, a branch railroad, with one or more tracks, commencing at a point in their located depot, on the Winnisimmet lands in Chelsea; thence, running westerly to a point northerly, within one hundred and fifty feet of the northerly side of the factory building at Island End in Malden; thence north-westerly and westerly, crossing the Mystic River northerly of Malden Bridge, to some convenient point in the Boston and Maine Railroad, in Charlestown or Somerville, north of the Middlesex Canal; thence, over said railroad, as authorized by the existing laws, to a convenient point south of Milk Row Road, in Charlestown or Somerville, to switch off said road; and thence, easterly of the enclosed grounds of the McLean Asylum, to a convenient point of intersection with the Boston and Lowell, and also with the Fitchburg Railroad, in said Somerville; and, for the purpose aforesaid, shall have all the powers and privileges, and be subject to all the liabilities, restrictions, and duties, set forth in that part of the Revised Statutes, and the general laws of the Commonwealth which have been, or shall hereafter be, passed, relating to railroad corporations.

May construct a branch railroad from their depot in Chelsea, crossing the B. & M. Railroad, to a point of intersection with the B. & L. and Fitchburg Railroads in Somerville.

SECTION 2. The said Grand Junction Railroad and Depot Company shall not alter the line hereinbefore established over the lands of the Winnisimmet Company in Chelsea, without the consent of said Winnisimmet Company; and shall not run their engines and cars over their road, within twenty-five rods of any railroad or public road, at a greater rate of speed than six miles to the hour; and shall

Not to run their engines more than six miles an hour, within certain limits.

establish and maintain, at their own expense, such gates, signals, sentinels, and other securities, at or near the points of intersection with other roads and railroads, as the county commissioners of the counties through which said railroad may run shall direct; and shall adopt such regulations and improvements as said commissioners may, from time to time, deem necessary for the public safety.

Bridge across
Mystic River,
how to be con-
structed.

SECTION 3. The bridge across Mystic River shall be constructed with a good and sufficient draw, under the direction of a commissioner to be appointed by the governor and council, at the expense of said corporation; and the said corporation shall be held liable to keep said draw in good repair, and to open the same, and afford all proper accommodation to vessels having occasion to pass the same by day or by night.

Road may be
used by any
other company.

SECTION 4. The legislature may authorize any company to enter with another road upon, and to use, the branch road hereby authorized to be built, or any part thereof, according to the provisions of law; such company paying therefor such rate of toll or compensation as may be agreed upon by them and said Grand Junction Railroad and Depot Company, or as the legislature shall prescribe, and complying with the rules and regulations of said last-named company.

Where it may
be united with
the B. & L.
and Fitchburg
Railroads.

SECTION 5. Said Grand Junction Railroad and Depot Company may enter upon, and unite their railroad with the Fitchburg Railroad, at or near the crossing of the Boston and Lowell Railroad in Somerville, uniting with the Boston and Lowell Railroad by the Fitchburg spur; and may also contract with said companies to take freight to and from their said roads to the grand junction depot at East Boston.

Location and
completion.

SECTION 6. If the said Grand Junction Railroad and Depot Company shall not, within eighteen months, file a location of their road in the manner required by law, or if said road shall not be completed within three years from the passage of this act, then this act shall be null and void.

SECTION 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 6, 1848.*]

Chap 265.

An Act to incorporate the North Adams Water Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Water Com-
pany in North
Adams.

SECTION 1. Jeremiah Colegrove, Francis F. Colegrove, George Millard, their associates and successors, are hereby made a corporation, by the name of the North Adams Water Company, for the purpose of supplying the inhabitants of Adams with good water; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding, in amount, thirty thousand dollars.

Estate, real and personal, not to exceed \$30,000.

SECTION 3. Said corporation may take, hold, and convey to, into, and through, the North Village, in said Adams, the water of Blue Spring, situate near the north line of said Adams, on land occupied by the said Jeremiah Colegrove; and may take and hold real estate, necessary for laying and maintaining aqueducts and reservoirs; and may take land around the margin of said spring, not exceeding twenty rods, measuring from the centre of said spring. Said corporation shall, within sixty days from the time of taking any lands or spring, file, in the office of the registry of deeds, in the northern district of the county of Berkshire, a description of the lands and spring so taken, as certain as is required in a common conveyance of land, and a statement of the purpose for which it is taken, signed by the president of the corporation.

Powers.

To file in registry of deeds a description of spring and lands taken.

SECTION 4. Said corporation may make aqueducts from the aforesaid source, through the North Village, in Adams, and may maintain the same by suitable works; may make reservoirs and hydrants, and may distribute the water throughout said village, by laying down pipes, and may establish the rents therefor; and said corporation, for the purposes aforesaid, may enter upon and dig up any road, under the direction, and with the consent, of the selectmen of Adams for the time being, in such manner as to cause the least hindrance to the travel thereon.

May make aqueducts, reservoirs, &c.

SECTION 5. All damage sustained by taking land, water, or water-rights, or by making aqueducts, reservoirs, or other works, shall be ascertained, determined, and recovered, in the manner now provided by law in case of land taken for highways.

Damages ascertained as in case of land taken for highways.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by said corporation, pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property, held, owned, or used, by said corporation, for the purposes of this act, shall pay three times the amount of damage to the North Adams Water Company, to be recovered by any proper action; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and by imprisonment not exceeding six months. [Approved by the Governor, May 6, 1848.]

Fine and imprisonment for malicious injury to property of corporation.

Chap 266.

An Act to authorize the Enclosure of Woburn Common.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To enclose the common in Woburn.

SECTION 1. Abijah Thompson, Bowen Buckman, George Holden, and their associates, are hereby authorized and empowered, at their own expense, to enclose the common in the centre of the town of Woburn, to level the surface of the ground, to plant trees and shrubbery, and to lay out and make walks within the enclosure, leaving suitable and convenient avenues for the accommodation of persons who may have occasion to enter or pass over said enclosure on foot, in such manner as they shall think proper, having a due regard to the public travel, convenience, and necessity : *provided, however*, that no part of said enclosure shall, on any pretence, be appropriated to any purpose of private use or emolument : *and provided, also*, that nothing contained in this act shall affect, alter, or annul, or shall be construed to affect, alter, or annul, the right of any person, or corporation, to the fee in said common, or the right of control of the same.

Proviso.

Malicious injury to property in the enclosure, how punished.

SECTION 2. If any person shall maliciously or wantonly injure or destroy the fences, trees, shrubbery, or walks, or any matter or thing pertaining to said enclosure, he shall forfeit a sum not exceeding fifty dollars, according to the nature and aggravation of the offence, to be recovered by complaint before any justice of the peace for the county of Middlesex, or by indictment before the court of common pleas for said county ; and shall also be liable for all damages, to be recovered, together with costs of suit, by an action of trespass or on the case, to be commenced before any court proper to try the same, which action may be commenced by any inhabitant of said town ; but all penalties imposed, and all damages recovered, by force of this act, shall be appropriated to the purpose of making repairs and improvements upon the said enclosure.

Powers of corporation limited.

SECTION 3. Whenever the said Abijah Thompson, Bowen Buckman, and George Holden, with their associates, shall have completed said enclosure, according to the provisions of this act, they shall thereafter have no control over said enclosure.

Enclosure to be finished in five years.

SECTION 4. If the said enclosure shall not be made within five years from the passage of this act, the authority and power hereby granted shall cease and be void. [*Approved by the Governor, April 6, 1848.*]

Chap 267.

An Act in relation to Costs in cases of Bankruptcy and Insolvency.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Defendant, on issue of bank-

Whenever, in the courts of this Commonwealth, the de-

fence is made to rest on a discharge in bankruptcy or insolvency alone, and an issue is made up, in writing, to that effect, and found for the defendant, he shall, in all such cases, recover his costs from and after such joinder of issue. [Approved by the Governor, May 8, 1848.]

ruptcy or insolvency in his favor, entitled to costs.

An Act to incorporate the Greenfield and Fitchburg Railroad Company, and for other purposes.

Chap 268.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Franklin Ripley, Henry W. Cushman, George T. Davis, their associates and successors, are hereby made a corporation, by the name of the Greenfield and Fitchburg Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other laws which have been, or shall hereafter be passed, relating to railroad corporations.

Corporators.

SECTION 2. Said company are hereby authorized to locate, construct, and maintain, a railroad, with one or more tracks, from a point on the Vermont and Massachusetts Railroad, at or near Grout's Corner, in the town of Montague, through the towns of Montague, Deerfield, and Greenfield, to some point in the town of Greenfield, or to the termination of the Troy and Greenfield Railroad, at or near the village of Greenfield.

To construct a railroad from Montague to Greenfield.

SECTION 3. The capital stock of said company shall consist of not more than four thousand shares, the number of which shall, from time to time, be determined by the directors thereof; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share. And the said company may purchase and hold such personal and real estate as may be necessary for the purposes of their incorporation.

Capital stock \$400,000; shares \$100.

SECTION 4. The said company may enter upon and unite their railroad, in the towns of Greenfield or Deerfield, with the Connecticut River Railroad, (not interfering with the depot buildings of said Connecticut River Railroad Company,) and may also enter upon and unite their railroad with the Vermont and Massachusetts Railroad, in the town of Montague, and may use the same, or any part of said railroads, upon such terms as may be mutually agreed upon between said corporations, or as are, or may be, prescribed by law.

Road may be united with Conn. River R. R. and Vermont and Mass. Railroad.

SECTION 5. If the Greenfield and Fitchburg Railroad Company be not organized, and if the location of their said road be not filed according to law, before the expiration of the year one thousand eight hundred and forty-nine; and if

Location and completion.

said road be not completed and opened for use within eighteen months thereafter, then so much of this act, as refers to the incorporation of the Greenfield and Fitchburg Railroad Company, shall be void.

Legislature may
reduce tolls.

SECTION 6. The legislature may, from time to time, alter or reduce the rate of tolls, or other profits, on said road; but said tolls, or other profits, shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum on their capital stock.

May authorize
other companies
to use this road.

SECTION 7. The legislature may authorize any corporation to enter with another railroad upon, and to use, the Greenfield and Fitchburg Railroad, or any part thereof, by complying with such reasonable rules and regulations as the said Greenfield and Fitchburg Railroad Company may prescribe, or as may be determined according to the provisions of law.

The company
may transfer its
franchise, &c.,
to V. and M.
R. R. Co., or to
the Greenfield
and Troy Rail-
road Company.

SECTION 8. The said Greenfield and Fitchburg Railroad Company may transfer their rights, privileges, and franchise, under this charter, to the Vermont and Massachusetts Railroad Company, or to the Greenfield and Troy Railroad Company, whenever a majority in interest of the stockholders of the aforesaid corporation shall elect so to do. And the said Greenfield and Fitchburg Railroad Company are hereby authorized to unite with either the said Vermont and Massachusetts Railroad Company, or the Troy and Greenfield Railroad Company, upon such terms as the directors of said corporations shall mutually agree; and in case of such union, the said Greenfield and Fitchburg Railroad Company shall cease, and be merged in the corporation with which it may be united, as aforesaid, and all rights, powers, and the franchise, herein granted, shall be transferred to and vested in such corporation.

So much of this
act as incorpo-
rates the G. and
F. R. R. Co. to
be void in case,
&c.

SECTION 9. If the Vermont and Massachusetts Railroad Company shall, by the first day of September next, commence the construction of a railroad from Grout's Corner, in Montague, to a point in the town of Greenfield, and shall prosecute the construction of the whole of said railroad with usual and reasonable despatch, and shall complete the same by the first day of January, in the year one thousand eight hundred and fifty, then so much of this act as incorporates the Greenfield and Fitchburg Railroad Company, as aforesaid, shall be null and void.

What shall be
equivalent to
a construction of
R. R. from
Montague to
Greenfield by
V. and M. R. R.
Company.

SECTION 10. The Vermont and Massachusetts Railroad Company is hereby authorized to contract with the Connecticut River Railroad Company, for a perpetual right of transit, with cars and engines, on any part of the road of said last-mentioned company lying between Deerfield River and any point in the village of Greenfield; and such contract, if effected before the first day of September next, shall be taken and considered as equivalent to a construction, by

the Vermont and Massachusetts Railroad Company, of so much of the railroad from Grout's Corner, in Montague, to Greenfield, with reference to the conditions and terms of the preceding section.

SECTION 11. The Vermont and Massachusetts Railroad Company are hereby authorized, at any time before the first day of July next, to alter and amend the location, heretofore made and filed by them, of the aforesaid railroad from Grout's Corner to Greenfield, and to extend such location to some point in or near the village of Greenfield, and such alterations, amendment, or extension, shall be filed with the original location before the said first day of July next; and the time for the completion of said railroad, by the Vermont and Massachusetts Railroad Company, is hereby extended to the first day of January in the year one thousand eight hundred and fifty: *provided, however*, that the provisions of the extension of time for said completion shall not take effect unless the said company shall commence the construction of said railroad, as aforesaid, on or before the first day of September next.

V. and M. R. R. Co. authorized to amend location of route from Grout's Corner to Greenfield.

Time for completion extended.

Proviso.

SECTION 12. The Vermont and Massachusetts Railroad Company are hereby authorized to increase the capital stock of said company by not exceeding four thousand shares, the number of which shall, from time to time, be determined by the directors thereof; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share. [*Approved by the Governor, May 8, 1848.*]

V. and M. R. R. Co. may add \$400,000 to their capital stock.

An Act concerning the Harbors of New Bedford and Fairhaven.

Chap 269.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The lines hereinafter described are hereby established as the lines of the channels of the harbors of New Bedford and Fairhaven, beyond which no wharf or pier shall ever hereafter be extended into and over the tide-water of the Commonwealth.

To establish lines of channel in New Bedford and Fairhaven Harbors.

SECTION 2. The lines for the harbor of New Bedford commence at a point near the Smoking Rocks, to find which, measure from the south side of South Street, eight hundred and twenty-seven feet in the east line of South Water Street; thence easterly, at right angles with the east line of South Water Street, seventeen hundred and fifty-three feet, to the aforesaid point of commencement; thence, in a line northerly until it intersects a line drawn easterly, by the north face of Merrell's Wharf, two hundred feet from the head of said wharf, and thirteen hundred and twenty feet from the east line of said street; thence, in a line northerly, until it intersects a line drawn by the north

Lines for New Bedford.

Lines for New
Bedford.

line of Central Wharf, twenty feet easterly from the present head of said wharf, which point of intersection will be seven hundred and seventy-four feet easterly of the east line of North Water Street; thence, a line northerly, to the north-east corner of the south spur of Rotche's Wharf, seven hundred and thirty-five feet easterly of the east line of said street; thence, a line to the north-east corner of Hazzard's Wharf, five hundred and ninety-five feet easterly of said street; thence, a line to the north-east corner of Parker's Wharf, thirty-one feet southerly of the New Bedford and Fairhaven Bridge; thence, westerly, by the north face of said wharf, ninety-one feet, to the head of the dock, and four hundred and ninety-five feet easterly from the east line of said North Water Street; thence, a line northerly, crossing the New Bedford and Fairhaven Bridge, to the south-east corner of Samuel Rodman's Wharf, and five hundred and fifty-nine feet easterly of the east line of said street; thence, a line northerly, until it intersects a line drawn easterly by the south side of the Railroad Wharf, eight hundred and forty feet easterly of the east line of Orange Street, and two thousand and fifty feet easterly of the east line of Purchase Street; thence, a line northerly, until it intersects the north boundary line of Benjamin Rodman's farm, twenty-three hundred and sixty feet easterly of the east line of County Road, and four hundred and fifty feet easterly from the north-east corner of a sea-wall in said boundary line; thence, a line northerly, until it intersects a line drawn east, from a point two hundred and twenty-five feet northerly, from the south boundary line of Haydon Coggeshall's farm, in the east line of County Street, twenty-seven hundred and twenty-five feet east of the east line of said County Road; thence, a line northerly, until it intersects the north boundary line of said Coggeshall's farm, as it passes said County Road, twenty-six hundred feet easterly of the east line of said road; thence, a line northerly, until it intersects a line drawn easterly, by the south boundary line of the public landing at Bellville, three hundred and eighty feet easterly of the east line of Bellville Road, leading to the head of Acushnet River.

Lines for Fair-
haven.

SECTION 3. The lines for the harbor of Fairhaven commence at a point six hundred and eighty feet from the east line of Bellville Road, leading to the head of Acushnet River, on the New Bedford side, and three hundred feet easterly of the last point in the description of the limitation lines on the New Bedford side; thence, in a line southerly, until it intersects the north boundary line of Willard Nye's farm, on the New Bedford side, and thirty-two hundred feet easterly from the east line of County Road, in said New Bedford; thence, a line southerly, until it intersects the line which runs east from a point two hundred and twenty-

five feet north of the south line of Haydon Coggeshall's farm, four hundred and fifty feet east of the limitation line established by the preceding section, upon the New Bedford side; thence, a line southerly, until it intersects a line drawn easterly by the north line of Pond Street, in said New Bedford, twenty-seven hundred and seventy feet from the east line of Purchase Street; thence, a line in the direction of the west abutment of the New Bedford and Fairhaven Bridge on Pope's Island, until it intersects a line drawn westerly by the north line of a street running easterly by Bartholomew Taber's house, in Fairhaven; thence, easterly, in said intersected line, to a point thirteen hundred and sixty feet westerly of the west line of Main Street, in said Fairhaven; thence a line southerly, to the east abutment of the aforesaid bridge on Fairhaven side, five hundred and fifty-nine feet westerly of the west line of Main Street in said Fairhaven; thence, a line southerly, until it intersects a line drawn westerly, by the south line of a street leading to the river by Abner Pease's house, nine hundred and twenty feet westerly of the west line of Main Street, in said Fairhaven; thence, a line southerly, to the head of Delano's Wharf, three hundred and ten feet westerly of the west line of Water Street; thence, a line southerly, until it intersects a line corresponding with the north side of the Old South Wharf, and twenty feet westerly from the head of said wharf, and eight hundred and twenty feet westerly of the west line of Water Street; thence, a line southerly, parallel with Water Street, until it intersects a line drawn westerly by the south side of Central Wharf; thence, a line southerly and easterly, until it intersects a line drawn west from a point five hundred feet northerly, from the corner of a street leading down on William R. Rodman's Wharf, and nine hundred and thirty-five feet west, from the west line of the road leading to the fort; thence, a line southerly, until it intersects a line drawn west from the fort, and eight hundred and thirty feet west from the west wall of said fort.

SECTION 4. The lines, beyond which no wharf or pier shall be extended from Fish Island, commence at the west abutment of the New Bedford and Fairhaven Bridge, on said island, and at the north-west corner thereof; thence, northerly, by the wall of the wharf, one hundred feet; thence, a line at right angles with said wall, westerly, one hundred feet; thence, a line northerly, being one hundred feet westerly from the north-west corner of said wall, to a point intersecting a line at right angles, drawn from the north-east corner of the wall of said wharf; thence, by said line, easterly, to the said north-east corner; thence, southerly, by the face of said wharf, crossing the bridge, to a point intersecting a line at right angles, drawn from a point

Lines beyond which no wharf or pier shall be extended from Fish Island.

in a line corresponding with the head of the Pile Wharf, and one hundred and twenty feet easterly of the south-west corner of said wharf; thence, by aforesaid line, to the point before named; thence, a line northerly, to the south-west corner of Stone Wharf, and by the face of the head of said wharf, to the north-east corner; thence, by the wall of said wharf, easterly, to a stone wall, and by said wall, crossing the said bridge, to the place of beginning.

Lines beyond which no wharf or pier shall be extended from Pope's Island.

SECTION 5. The lines, beyond which no wharf or pier shall be extended from Pope's Island, commence at the east abutment of the New Bedford and Fairhaven Bridge, on said island, and at the north-east corner thereof; thence a line, in direction of the south-east corner of Railroad Wharf, seventeen hundred and ninety-three and six tenths feet; said line, continued, intersects a line by the south side of the Railroad Wharf, five hundred and forty feet easterly from the east line of Orange Street; thence, a line westerly, at an angle of one hundred and thirty degrees, five hundred feet; thence, a line southerly and westerly, at an angle of one hundred and forty-two degrees, nine hundred and thirty feet; thence, crossing said bridge, in a line southerly and easterly, at an angle of ninety-one degrees, sixteen hundred feet; thence, easterly, a line at an angle of one hundred and twenty degrees, twelve hundred and ten feet; thence, a line northerly and easterly, at an angle of one hundred and thirty-one degrees, three hundred and ninety-six and eight tenths feet, to the place of beginning, making an angle of one hundred and six degrees with the line first described.

Lines beyond which, &c., from Crow Island.

SECTION 6. The lines, beyond which no wharf or pier shall be extended from Crow Island, commence at a point thirteen hundred and forty feet westerly from the west line of Water Street, in Fairhaven, and forty feet north of the parallel of Centre Street; thence, three hundred and sixty feet westerly, in said line; thence, a line northerly, at an angle of sixty-eight degrees, ten hundred and sixty feet; thence, a line easterly, at an angle of ninety degrees, seven hundred and sixty feet; thence, a line southerly, at an angle of ninety-five degrees, one hundred and eighty-nine feet; thence, a line southerly, at an angle of one hundred and forty-four degrees, eight hundred and fifty-nine and six tenths feet, to the place of beginning, making an angle of one hundred and forty-three degrees with the line first described. The said lines, thus described, are the lines reported by a commissioner, under the resolve passed on the eighth day of April, in the year one thousand eight hundred and forty-six, "relating to the survey of the Harbor of New Bedford," and by said commissioner drawn and defined on a map by him taken, and deposited in the library of the Commonwealth, duplicates of which have also been

Authority for foregoing lines.

deposited with the city authorities of New Bedford, and with the town clerk of Fairhaven.

SECTION 7. No wharf, pier, building, or incumbrance of any kind, shall hereafter be extended beyond the said lines, or either of them, into or over the tide-water in said harbors; nor shall any wharf or pier, which is now erected on the inner side of either of said lines, be extended further towards the said line than such wharf or pier now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave being first obtained from the legislature.

No structure of any kind beyond said lines, without leave of the legislature.

SECTION 8. Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor, by indictment or information, in any court of competent jurisdiction, and, on conviction, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, for every offence; and any erection or obstruction, which shall be made contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner heretofore provided for the removal and abatement of nuisances on the public highway.

Offences against this act, how punished.

SECTION 9. This act shall take effect from and after its passage. [Approved by the Governor, May 8, 1848.]

An Act to regulate Intelligence Offices.

Chap 270.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. No person shall hereafter establish or keep any intelligence-office, for the purpose of obtaining places of employment for male or female family domestics, servants, or other laborers, except seamen, or for procuring or giving information concerning such places for or to such domestics, servants, or laborers, or for the purpose of procuring, for employers, domestics, servants, or other laborers, except seamen, or procuring or giving information concerning such domestics, servants, or laborers, for or to employers, without a license as hereinafter provided, under a penalty of not less than ten dollars for each and every day such office shall be so kept, to be recovered, by complaint, in any court of competent jurisdiction.

No person shall keep an intelligence-office, except for seamen, without license.

Penalty for offending.

SECTION 2. The mayor and aldermen of any city, or the selectmen of any town, may grant licenses, for the term of one year, to suitable persons, for the foregoing purposes, and may revoke and annul the same whenever they may deem it expedient; and they shall be entitled to have and recover, for each and every license so granted, the sum of one dollar, and no more. [Approved by the Governor, May 8, 1848.]

Mayor and aldermen, and selectmen, may grant licenses for one year.

Chap 271.

An Act concerning the Fees of Jurors in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurors before
sheriff, allowed
\$1 75 a day.

To each person attending as a juror before a sheriff, as prescribed by law, the sum of one dollar and seventy-five cents a day shall be allowed for his attendance. [*Approved by the Governor, May 8, 1848.*]

Chap 272.

An Act in relation to Town Pounds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for not
maintaining
pounds.

SECTION 1. Every town that shall, for the space of three months, neglect to provide or maintain a sufficient pound, shall forfeit the sum of fifty dollars to the use of the Commonwealth.

SECTION 2. All acts or parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, May 8, 1848.*]

Chap 273.

An Act to authorize the Boston and Providence Railroad Company to construct a Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To construct a
railroad from
Dedham to
West Roxbury.

SECTION 1. The Boston and Providence Railroad Company are hereby authorized to locate, construct, and maintain a railroad, with one or more tracks, from some convenient point in the village of Dedham, along and across the Charles River Meadows, to the village of West Roxbury, and from thence to the Boston and Providence Railroad, at or near the toll-gate ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes relating to railroad corporations, and all the statutes subsequently passed, or that shall hereafter be passed, relating to railroad corporations.

Capital stock
increased not
to exceed
\$160,000 ;
shares \$100.

SECTION 2. The Boston and Providence Railroad Company are hereby authorized to increase their capital stock, for the purpose of the construction and equipment of the railroad hereby authorized, by a sum not exceeding in amount the sum of one hundred and sixty thousand dollars, to be divided into shares of one hundred dollars each.

Legislature
may reduce
tolls.

SECTION 3. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls,

or other profits, upon said road; but the said income shall not, without the consent of said corporation, be so reduced as to yield less than ten per centum per annum.

SECTION 4. The said company may unite the railroad hereby authorized with the Dedham Branch Railroad; and may also enter, with their railroad, by proper turnouts and switches, upon the Norfolk County Railroad, upon such terms as may be agreed on by the respective corporations.

Road may unite with Dedham Branch and Norfolk County Railroad.

SECTION 5. If the said Boston and Providence Railroad Company shall not, within one year, file a location of their route in the manner prescribed by law, or if said railroad shall not be completed within two years from the passage of this act, then this act shall be void. [Approved by the Governor, May 9, 1848.]

Location and completion.

An Act relating to District School Houses.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap 274.

SECTION 1. Whenever the inhabitants of any town shall, according to the provisions of the forty-fourth section of the twenty-third chapter of the Revised Statutes, vote any sum for any of the purposes named in the twenty-eighth section of the said twenty-third chapter, they may also empower the selectmen of the town, or the school committee, or may choose any committee, to carry into effect the provisions of said twenty-eighth section, if the inhabitants of any school district shall neglect or refuse to choose such committee.

Power of towns enlarged under R. S., ch. 23, sec. 44, to enforce the provisions of the 28th sec. of such chapter, where districts neglect or refuse.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

An Act to establish the Wrentham Branch Railroad.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Chap 275.

SECTION 1. Melatiah Everett, William F. Richardson, Hervey E. Clapp, their associates and successors, are hereby made a corporation by the name of the Wrentham Branch Railroad Corporation, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in all other general laws which have been, or shall hereafter be passed, relative to railroad corporations.

Corporators.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct, and maintain a railroad, with one or more tracks, from some convenient point on the Norfolk County Railroad, in Wrentham, to some convenient point near the central village in Wrentham; and to enter

Railroad to be constructed.

with their railroad, by proper turnouts and switches, upon the Norfolk County Railroad, at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

Capital stock
not to exceed
\$55,000;
shares \$100.

SECTION 3. The capital stock of said corporation shall not exceed five hundred and fifty shares, the number of which shall be determined, from time to time, by the directors of said corporation; and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and the said corporation may purchase and hold such real estate as may be necessary for the purposes of their incorporation.

Real estate.

Location and
completion.

SECTION 4. If the location of this road be not filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void.

Franchise, &c.,
may be trans-
ferred to Nor-
folk County
Railroad Com-
pany; and that
company may
add \$55,000 to
their capital
stock.

SECTION 5. Said corporation are hereby authorized to dispose of their franchise, and all their rights under this act, to the Norfolk County Railroad Company, on such terms as shall be agreed upon by said corporations respectively. And if said Wrentham Branch Railroad Corporation shall thus transfer its franchise and rights to the Norfolk County Railroad Company, the said Norfolk County Railroad Company are hereby authorized to increase their capital stock by the sum of fifty-five thousand dollars.

SECTION 6. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

Chap 276.

An Act in addition to an Act to provide for the Government and Management of Houses of Correction in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Keepers of jails
and houses of
correction, ex-
cept in Suffolk,
to receive \$1 75
a week, for
board of pris-
oners.

SECTION 1. The keepers of the several jails and houses of correction, in the several counties of this Commonwealth, (excepting the county of Suffolk,) shall receive, from the several counties in which they are respectively located, the sum of one dollar and seventy-five cents per week, for the board of each prisoner therein confined, which shall be paid to them by the treasurers of their respective counties, upon the certificate of the overseers of said houses of correction; and in those counties where, in the opinion of the county commissioners, the above sum shall not be an adequate compensation, the said commissioners shall make such further allowance as they shall think reasonable, and the proceedings consequent thereon shall be conformable to the provisions of the third section of the act to which this is an addition.

When compen-
sation may be
increased.

Prison Books to
be kept and ex-
hibited.

SECTION 2. All keepers of jails, and masters of houses of correction, in this Commonwealth, shall keep a book, which

shall be called the Prison Book, in which they shall keep an account of all articles furnished for the support of the prisoners under their charge, of whom bought, the quantity, and the price paid for the same; which book, verified by the oath of said keepers and masters, shall be exhibited to the county commissioners, in the months of May and November, at the time when said accounts shall be presented for allowance.

SECTION 3. The county commissioners of said counties may, if they shall judge it to be expedient, pay to the said jailers and keepers, as a compensation for their services, a salary, to be agreed upon by the parties, instead of paying them for the board and support of said prisoners; in which case, all necessary supplies for said jails and houses of correction shall be procured and furnished, under the direction of said commissioners, by said keepers, at the expense of said counties.

Keepers, &c., may have a salary.

Duty of county commissioners in that case.

SECTION 4. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. [Approved by the Governor, May 9, 1848.]

Inconsistent acts repealed.

An Act authorizing the appointment of an additional Master in Chancery, in the County of Essex.

Chap 277.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. His excellency the governor, by and with the advice and consent of the council, is hereby authorized to appoint an additional master in chancery, in and for the county of Essex; and the number of masters in chancery, for said county, shall hereafter be five.

Governor and council authorized to appoint another master in chancery, in Essex.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

An Act concerning the Erection of Balustrades upon Buildings in Cities.

Chap 278.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The city council of any city in this Commonwealth shall have power, from time to time, to make and adopt such rules and regulations, for the erection and maintenance of balustrades, or other projections upon the roofs or sides of buildings in such city, as, in their judgment, the safety of the citizens may require. And the city council of any city may annex penalties, for the violation of any such rules and orders, not exceeding twenty dollars in any one instance; which penalties may be recovered, for the use of the city, by complaint before the police court of such city, or any justice of the peace, in a city where no police court is established: *provided*, that no such rule or order shall take effect,

The city council of any city may authorize the erection of balustrades on roofs.

Penalties.

Proviso.

or go into operation, until the same shall have been published at least sixty days in some newspaper printed in such city, or the county within which such city is included. [Approved by the Governor, May 9, 1848.]

Chap 279.

An Act to authorize adjacent Towns to unite for School Purposes.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Adjacent towns may unite for establishing a high-school, where inhabitants in each are not more than 2,000.

SECTION 1. Any two adjacent towns, having not more than two thousand inhabitants each, may form one high-school district, for establishing such a school as is contemplated in the fifth section of the twenty-third chapter of the Revised Statutes, whenever a majority of the citizens of each town, in meetings called for that purpose, shall so determine.

The management of such school by a joint committee.

SECTION 2. The school committees of the two towns, so united, shall elect one from each of their respective boards, and the two, so elected, shall form the committee for the management and control of such school, with all the powers conferred upon school committees and prudential committees.

Location of schoolhouse.

SECTION 3. The committee, provided for in the foregoing section, shall determine the location of such schoolhouse as shall be authorized to be built by the towns forming such district, or authorize the location of such school alternately, in the two towns, whenever the towns shall not determine to erect a house for its permanent location.

Expenses, how assessed.

SECTION 4. In the erection of any schoolhouse for the permanent location of such school, and in the support and maintenance of the same, and in all incidental expenses attending the same, the proportions to be paid by each town, unless otherwise agreed upon, shall be according to the proportions of such towns in the county tax. [Approved by the Governor, May 9, 1848.]

Chap 280.

An Act to authorize Joseph Noble and others to extend their Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

To extend a wharf in East Boston to commissioners' line.

Joseph Noble, John J. Low, and Francis Low, proprietors of a wharf and flats situate on Border Street, in that part of Boston called East Boston, and lying between and adjoining the land and flats of Ammi C. Lombard, Charles O. Whitmore, and Israel Lombard, on the north, and Donald McKay, on the south, are hereby authorized to extend and maintain their wharf into the harbor channel, as far as the line established by the act entitled "An Act concerning the Harbor of Boston," passed on the seventeenth day of March, in the year one thousand eight hundred and forty, and shall have the right to lay vessels at the end and sides of said

wharf, and to receive wharfage and dockage therefor: *pro- Proviso.*
vided, however, that this grant shall not be construed to ex-
 tend to any flats or land of this Commonwealth lying in
 front of the flats of any other person, or which would be
 comprehended by the true lines of such flats continued to
 the said commissioners' line; *and provided, also,* that so *Proviso.*
 much of said wharf as may be constructed below low-water
 mark shall be built on piles, which piles shall not be nearer
 to each other than six feet in the direction of the stream,
 and eight feet in a transverse direction; and that this act
 shall in no wise impair the legal rights of any person or
 corporations whatever. [Approved by the Governor, May 8,
 1848.]

An Act in addition to "An Act to incorporate the Williamstown Water Com-
 pany."

Chap 281.

*BE it enacted by the Senate and House of Representa-
 tives, in General Court assembled, and by the authority of
 the same, as follows :*

SECTION 1. The Williamstown Water Company may *May take, &c.,*
 take, hold, and convey to, into, and through, the north vil- *the water of*
 lage in Williamstown, the water of Cold Spring, situated *two springs,*
 about one mile south-westerly from the north meeting-house *specified.*
 in said town; also, the water from a spring situated on
 land occupied by Willard B. Sherman, about one mile
 north-westerly from the said meeting-house, and may take *May take and*
 and hold real estate necessary for laying and maintaining *hold real estate.*
 aqueducts and reservoirs, and may take land around the
 margin of said springs, not exceeding three rods, measuring
 from the centre of the spring. Said company shall, within
 sixty days from the time of taking any lands or springs, *Description of*
 file, in the office of the registry of deeds, in the northern *springs and*
 district of the county of Berkshire, a description of the *lands taken to*
 land and springs so taken, as certain as is required in a *be filed in reg-*
 common conveyance of land, and a statement of the pur- *istry of deeds.*
 pose for which taken, signed by the president of said com-
 pany.

SECTION 2. The said company may make aqueducts *Aqueducts.*
 from the aforesaid sources through the north village in
 Williamstown as far as the Green River, and may maintain
 the same by suitable works; may make reservoirs and hy- *Reservoirs.*
 drants, and may distribute the water throughout said vil- *hydrants, &c.*
 lage by laying down pipes, and may establish the rents
 therefor. And the said company, for the purposes afore-
 said, may enter upon and dig up any road, under the direc-
 tion of the selectmen of Williamstown, in such manner as
 to cause the least hindrance to the travel thereon. *Power to dig*
roads, &c.

SECTION 3. All damages sustained by taking land, water, *Damages to be*
 or water-rights, or by making aqueducts, reservoirs, or *ascertained,*
 other works, shall be ascertained, determined, and recov- *&c., as in case*
 98 *of land taken*
for highways.

ered, in the manner now provided by law in case of land taken for highways.

Penalty for malicious injury done to any of the company's property.

Three times amount of damage.

Fine and imprisonment.

SECTION 4. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the said company pursuant to the provisions of this act, or who shall corrupt the same, or render it impure, or who shall destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property, held, owned, or used, by the said company, for the purposes of this act, shall pay three times the amount of damage to the said company, to be recovered by any proper action; and every such person, on conviction of either of the malicious acts aforesaid, may be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months. [Approved by the Governor, May 9, 1848.]

Chap 282.

An Act to increase the Capital Stock of the Western Railroad Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased not exceeding \$1,000,000.

Proviso, concerning branch railroads.

SECTION 1. The directors of the Western Railroad Corporation are hereby authorized to increase their capital stock, by an amount not exceeding one million of dollars, by adding thereto, from time to time, at their discretion, an additional number of shares, not exceeding ten thousand, of one hundred dollars each, and may dispose of the same at not less than one hundred dollars per share, as herein-after provided: *and provided*, that no branch railroad shall hereafter be constructed by this corporation without the previous assent of the legislature, unless the location thereof shall be filed with the county commissioners, according to law, within one year; and the construction of all branch railroads that have been, or may hereafter be located by said corporation, shall be completed within two years from the passage of this act.

Proceeds of new stock, how to be appropriated.

SECTION 2. The proceeds of said shares shall be appropriated for additional expenditures of construction of the road and its appurtenances, for engines and cars therefor, and for no other purpose. And said corporation shall continue annually to set apart, from the income of said road, the sum designated in the third section of "An Act to aid the construction of the Western Railroad," passed on the twenty-third day of March, in the year one thousand eight hundred and thirty-nine.

Proceedings before sale of new shares.

SECTION 3. Whenever the capital stock of said corporation shall be increased, as herein provided, the directors shall, before any sale of the new shares so created, give notice thereof, in writing, to the treasurer of the Commonwealth and the private stockholders, to be transmitted in such manner as the directors judge best; and said private

stockholders may, within thirty days after such notice, take, at the par value thereof, their proportion of such increased number of shares, according to the number of shares in such capital stock owned by them; and if any shares then remain unsold, the said corporation may dispose of the same at not less than the par value thereof.

SECTION 4. Whenever the treasurer of the Commonwealth shall receive notice of such increase of capital stock, he may sell the Commonwealth's right to the proportion of stock to which it may be entitled, in such manner as he shall deem most beneficial to the Commonwealth.

Treasurer may sell Commonwealth's right to new stock.

SECTION 5. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

An Act to repeal An Act concerning Public Schools.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

The seventy-sixth chapter of the acts of the year one thousand eight hundred and forty is hereby repealed, and the fifth section of the twenty-third chapter of the Revised Statutes is hereby revived. [Approved by the Governor, May 9, 1848.]

Chap 283.

A school to be kept for instruction in the higher branches, and for all the inhabitants, in towns of 500 families; and in towns of 4,000, a school for Greek, Latin, &c., in addition.

An Act to incorporate the Long Pond Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Jonathan Ellis, Phineas E. Gay, Henry H. Fuller, their associates and successors, are hereby made a corporation, by the name of the Long Pond Mutual Fire Insurance Company, in the city of Boston, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, within this Commonwealth, against loss by fire; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes: *provided*, that no policy shall be issued by this company until property, to the amount of one hundred thousand dollars, shall be subscribed to be insured. [Approved by the Governor, May 9, 1848.]

Corporators.

For insuring property in the Commonwealth against fire. Company in Boston, for 28 years.

Proviso.

An Act in addition to "An Act to establish the Newburyport Railroad Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Newburyport Railroad Company are hereby authorized and empowered to change the location

Chap 285.

Location changed, from Newburyport to Bradford.

of their railroad, and, instead of constructing their railroad as now located, to locate, construct, and complete, a railroad, as follows:—Beginning at some convenient point, between the Newburyport Turnpike, so called, and the present Eastern Railroad depot, in or near Newburyport; thence running westerly over or near Common Pasture, so called, and northerly of Turkey Hill, in the town of Newbury, crossing Artichoke River, and continuing onward between Archelaus and Pipe-stave Hills, in West Newbury, to some convenient place for crossing the main road leading from Newburyport to Bradford; thence crossing the same, and passing between said road and the Merrimack River, to a point near the house of William Balch, in Bradford; thence crossing said main road, and passing near the meeting-houses in the east parish of Bradford, to Johnson's Creek, so called, near the Merrimack River, in the most convenient direction, to a point near the Boston and Maine Railroad, at their depot in Bradford aforesaid: *provided, however,* that if said company vote to change the location of their railroad, as they are above authorized to do, they shall refund to all such stockholders as may, within thirty days after such vote shall have been passed, signify, in writing, to the treasurer of the company, their wish to give up and surrender their stock, all the amount they have severally paid as assessments, with interest thereon from the time of such payment.

Proviso,
assessments
paid, to be re-
funded, in what
case.

Powers and lia-
bilities.

SECTION 2. The said Newburyport Railroad Company, in constructing and maintaining their railroad hereby authorized, shall have and enjoy all the privileges and powers, and be subject to all the duties, restrictions, and liabilities, set forth in the several public statutes of this Commonwealth, which have been, or which shall be, passed, relating to railroad corporations.

Any company
may be author-
ized to enter
upon and use
this road.

SECTION 3. The legislature may authorize any company to enter with another railroad upon, and to use the said railroad hereby authorized, or any part thereof, and may authorize said railroad company to enter upon and to use any other railroad, or any part thereof, according to the provisions of the statutes of the Commonwealth, paying therefor, in each case, such rates of toll or compensation, and complying with such rules and regulations, as may be mutually agreed upon, or as the legislature shall, from time to time, prescribe.

Location and
completion.

SECTION 4. If the location of said railroad hereby authorized is not filed, according to law, within one year, or if said company shall not complete said railroad within three years from the date of this act, then the same shall be null and void.

SECTION 5. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

An Act concerning Poor Debtors.

Chap 286.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. When any debtor who is arrested or under bail on mesne process, or is committed on mesne process, execution, or surrender by bail, shall have given to the creditor notice of his intention to take the benefit of the law for the relief of poor debtors, no new notice of the same intention shall be given, until the expiration of seven days from the service of the former notice.

Debtor having given notice of intention to take the benefit, &c., no new notice shall be given until seven days after service of former notice. *R. S.*, ch. 98, sec. 39, repealed.

SECTION 2. The thirty-ninth section of the ninety-eighth chapter of the Revised Statutes, is hereby repealed. [*Approved by the Governor, May 9, 1848.*]

An Act concerning the Walnut Grove Cemetery.

Chap 287.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The proprietors of the Walnut Grove Cemetery are authorized to grant and convey, by deed, a right of way over such portions of their cemetery as are not needed or required for purposes of burial. [*Approved by the Governor, May 9, 1848.*]

Proprietors may grant right of way over their cemetery.

An Act to incorporate the Malden Company.

Chap 288.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. John S. Lee, Mathew S. Parker, Moses M. Rice, their associates and successors, are hereby made a corporation, by the name of the Malden Company, with power to erect and construct a machine-shop, for the purpose of manufacturing machinery, steam-engines, and all the work usually connected with that branch of business, in Malden and Medford; with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Corporators.

SECTION 2. Said corporation may take and hold real estate not exceeding in value one hundred and fifty thousand dollars, and their whole capital stock shall not exceed three hundred thousand dollars. [*Approved by the Governor, May 9, 1848.*]

To manufacture machinery, steam-engines, &c., in Malden and Medford.

Real estate not exceeding \$150,000; capital stock, not to exceed \$300,000.

An Act for the appointment of an Assistant Clerk of the Courts in the County of Middlesex.

Chap 289.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The supreme judicial court may appoint

S. J. Court may appoint an as-

Assistant clerk for Middlesex, for not more than two years.

Pay not exceeding \$800 per annum, out of county treasury.

some suitable person to act as assistant clerk of the courts for the county of Middlesex, who shall perform his duties under the direction of the clerk of said courts; and who shall hold his office for a term of time not more than two years, subject to be sooner removed by the supreme judicial court; and shall receive for his services, as said assistant clerk, such sum, not exceeding eight hundred dollars a year, as the said court shall direct, which shall be paid to him quarterly from the county treasury.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

Chap 290.

An Act establishing a Lien upon Ships and Vessels in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Debt for labor or materials on, or provisions for, any ship, &c., to be a lien on such ship.

SECTION 1. Whenever a debt is contracted for labor performed, or materials used, in the construction or repair of, or for provisions and stores or other articles furnished for, or on account of, any ship or vessel within this Commonwealth, such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and shall be preferred to all other liens thereon, except mariners' wages.

Preference to all other liens, except for mariners' wages. Limitation of lien.

SECTION 2. When the ship or vessel shall depart, from the port at which she was when such debt was contracted, to some other port within this Commonwealth, every such debt shall cease to be a lien at the expiration of twenty days after the day of such departure; and in all cases such lien shall cease immediately after the vessel shall have arrived in any port out of this Commonwealth: *provided, however,* that nothing in this act shall alter, or be construed to alter, or in any way affect, the lien as now existing on foreign ships and vessels. [Approved by the Governor, May 9, 1848.]

Proviso.

Chap 291.

An Act relating to the Erection and Location of Almshouses and Houses of Correction.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No city or town to erect, &c., almshouse, &c., in any other city or town, without special leave.

SECTION 1. No city or town shall, hereafter, erect or maintain an almshouse, or house of correction, within the limits of any other city or town, unless the consent of the inhabitants of the city or town, within which such almshouse or house of correction is proposed to be erected or maintained, shall have been first obtained, at a legal meeting of the inhabitants of said town or city.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 9, 1848.]

An Act authorizing the Eastern Railroad Company to extend their Railroad into Boston. *Chap 292.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Eastern Railroad Company are hereby authorized to enter, with their road, along with the Grand Junction Railroad and Depot Company, upon the Boston and Maine Railroad, in Somerville, and thence to use the same into the city of Boston, according to the provisions of law; or to construct, maintain, and use one or more additional tracks, to Causeway Street, in said city, keeping within the located limits of said Boston and Maine Railroad, across Miller's and Charles Rivers, with a right to use, for that purpose, not exceeding one half of the width of the bridge already constructed across said rivers, paying therefor one half of the cost of construction, and subject to all the duties, liabilities, and restrictions, provided in the acts relating to the said Boston and Maine Railroad, and all general laws which are now, or may hereafter be, in force, relating to railroads in this Commonwealth: *provided*, that no part of said bridge shall ever be used as a wharf for laying vessels across the stream of said rivers: *and provided*, that said Eastern Railroad Company shall not take the easterly half of said bridge, without the consent of the Boston and Maine Railroad.

Route by which E. R. R. Company may enter Boston.

Obligations, liabilities, restrictions.

Provido.

Bridge.

Provido.

SECTION 2. If the said Eastern Railroad Company, and the said Boston and Maine Railroad, cannot agree upon the manner in which the rails of the said companies, respectively, shall be laid across said bridge, or upon the compensation to be paid by the Eastern Railroad Company to the Boston and Maine Railroad, or upon any other matter necessary to the proper carrying into effect of the provisions of this bill, his excellency the governor, by and with the advice and consent of the council, shall select three disinterested commissioners, who, or a majority of whom, shall award and determine all such matters of difference, and shall also have power to award and determine as to the matter of their own costs, and the costs of the reference before them; but said commissioners shall all hear the parties.

On disagreement between the E. R. R. Co. and B. & M. R. R. Co. the governor and council to appoint three commissioners to determine &c.

SECTION 3. The said company shall not locate any part of their road on Causeway Street, in said Boston, within fifty feet of the westerly side of the freight-house of the Boston and Maine Railroad Company, without the consent of said company.

Restriction of location.

SECTION 4. Said company shall observe such rate of speed, and establish and maintain such securities for public safety on their road, and about their depot buildings hereby authorized in the city of Boston, as the mayor and aldermen thereof shall require.

Rate of speed and securities for travel.

Location and completion of road.

SECTION 5. If the said company shall not file the location of so much of the road herein granted, as lies in the county of Middlesex, with the county commissioners of said county, and so much as lies in the county of Suffolk, with the mayor and aldermen of the city of Boston, within one year from the time this act shall take effect, and if the said road shall not be built in two years from said time, this act shall be void.

Company may increase its stock not exceeding \$300,000.

SECTION 6. For the purposes of this act, the said company are authorized to increase their capital stock by an amount not exceeding three hundred thousand dollars. [*Approved by the Governor, May 9, 1848.*]

Chap 293.

An Act to incorporate the Saunders Cotton Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

SECTION 1. Esek Saunders, Benjamin Saunders, Gibben C. Taft, their associates and successors, are hereby made a corporation, by the name of the Saunders Cotton Mills, for the purpose of manufacturing cotton goods in the town of Grafton, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real and personal estate not to exceed \$150,000.

SECTION 2. Said corporation, for the purpose aforesaid, may hold real and personal estate, not exceeding in value one hundred and fifty thousand dollars. [*Approved by the Governor, May 9, 1848.*]

Chap 294.

An Act relating to Essex Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors of Essex bridge released from obligations in the 4th and 5th sections of their act of incorporation.

SECTION 1. The proprietors of Essex Bridge are hereby released from the obligation of keeping the said bridge accommodated with at least twelve good lamps; of keeping an anchor placed in the bed of the river, above the draw of said bridge, a hawser, extending from such anchor to another anchor below the draw, and a hawser, to extend from the extremity of the pier, on one side of the bridge, to the extremity of the pier on the other side; any thing in the fourth and fifth sections of an act incorporating the proprietors of Essex Bridge, passed on the seventeenth day of November, in the year one thousand seven hundred and eighty-seven, to the contrary, notwithstanding: *provided, however,* that the proprietors of said bridge shall hereafter cause said bridge to be accommodated with one good lamp at each end thereof, lighted in due season, and kept burning till twelve o'clock, midnight, of every night, and with one

Proviso,

good lamp at the draw thereof, lighted as aforesaid, and kept burning the whole of every night; and shall hereafter allow all foot-passengers, at all times, to pass and repass over said bridge, free of toll.

SECTION 2. This act shall not take effect until it shall be accepted by the proprietors of said bridge, at a legal meeting to be called for that purpose. *[Approved by the Governor, May 9, 1848.]*

Act to be accepted by proprietors.

An Act in addition to An Act to incorporate the Essex Company.

Chap 295.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Essex Company are hereby authorized to increase their capital stock by an amount not exceeding five hundred thousand dollars; *provided, however,* that said company shall be liable for all damages that shall be occasioned to the owners of fish-rights, existing above the said company's dam, by the stopping or impeding the passage of the fish up and down the Merrimack River by the said dam, and such damages shall be assessed by the county commissioners of the county in which such fish-rights exist; and either party, if dissatisfied with any assessment of damages, in such case, may apply for a jury to assess the damages in the manner provided, in the twenty-fourth chapter of the Revised Statutes, for the recovery of damages from laying out highways, and nothing contained in the seventh section of the act to which this act is in addition shall be deemed or taken as a bar to any claim for damages under this act and the act to which this is an addition.

Capital stock may be increased, not exceeding \$500,000.

Proviso, concerning fish-rights.

SECTION 2. This act shall take effect whenever the stockholders of said company, at a legal meeting, shall accept the provisions in the preceding section, and shall file, in the office of the secretary of the Commonwealth, a legally certified and attested copy of the vote by which such acceptance shall be made. *[Approved by the Governor, May 9, 1848.]*

Act to take effect when accepted by stockholders.

An Act to incorporate the Union Railroad Company.

Chap 296.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Isaac Livermore, Charles Davenport, Newell Bent, their associates and successors, are hereby made a corporation, by the name of the Union Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth charter of said statutes relating to railroad corporations, and in all other general laws which have been,

Corporators.

or shall be subsequently passed, relative to railroad corporations.

To construct a
railroad from
Somerville to
Brookline.

SECTION 2. Said company are authorized to locate, construct, and maintain, with one or more tracks, a railroad commencing in Somerville, at some point in the Fitchburg Railroad, near its intersection with the Boston and Lowell Railroad; thence running to a point near Bridge Street, in said Somerville; thence, across the marshes on the westerly side of East Cambridge village, to a point on Main Street in Cambridge, a little below Washington Street; thence, across the marshes to Charles River; and over said river by a bridge at such point as the commissioner under whose direction said bridge is to be constructed shall determine: *provided*, that said bridge shall not be located more than fifty rods below the ship-yard, nor more than fifty rods above the powder-house, to a point in the Boston and Worcester Railroad in Brookline, with piers two hundred feet long, furnished with a capstan at each end of the piers: *provided*, that the railroad hereby authorized shall not pass any highway or avenue to Boston on the same level therewith.

Capital stock
\$150,000;
shares \$100.

Real estate
not to exceed
\$70,000.

SECTION 3. The capital stock of said company shall consist of not more than fifteen hundred shares, the number of which shall, from time to time, be determined by the directors of said company; and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said corporation may invest a portion of their capital, not exceeding seventy thousand dollars, in real estate, for depot-grounds, wharves, and other purposes, and may invest such portion thereof in personal estate, as may be necessary or convenient for the purposes of their incorporation.

Company may
unite their R. R.
with the Fitch-
burg, B. and
Lowell, and B.
and Worcester
Railroads.

SECTION 4. The company hereby established may enter upon and unite their railroad, by proper turnouts and switches, with the Fitchburg, Boston and Lowell, and Boston and Worcester Railroads, and may contract with any of said companies to equip and run their said railroad, or any part of the same.

Bridge across
Charles River,
with draw.

SECTION 5. The bridge across Charles River shall be constructed, not exceeding twenty-six feet in width, with a convenient draw and suitable piers, to facilitate the passage of vessels; and said company shall be held liable to keep the draws and piers in good repair, and to open the same, and afford all proper accommodations to vessels having occasion to pass the same by day or by night.

Rate of speed
regulated.

Securities to
travel, regula-
ted.

SECTION 6. The rate of speed for crossing any of the streets or roads shall not exceed six miles per hour, and the securities to travel, by gates, flags, or bridges, at the crossings, shall be regulated in Somerville in such manner as shall be required by the selectmen of said town, and, in

Cambridge, in such manner as shall be directed by the city council of said city.

SECTION 7. The corporation hereby established may, at any time, transfer their property and franchise to either of the companies with whose railroad the railroad hereby established shall unite or connect.

Franchise may be transferred to either of the companies named in the 4th section.

SECTION 8. The legislature may authorize any company to enter with a railroad upon, and use, the railroad hereby established, or any part thereof, by complying with such reasonable rules and regulations as the Union Railroad Company may prescribe, or as may be determined according to the provisions of law.

This road may be used by other companies.

SECTION 9. The legislature may, after the expiration of four years from the time when said railroad shall be opened for use, from time to time, alter or reduce the rate of toll, and other profits, upon said railroad; but said tolls or profits shall not, without the consent of said company, be so reduced as to produce less than ten per cent. per annum upon the investment of said company.

Legislature may reduce tolls.

SECTION 10. If the location of said railroad shall not be filed within eighteen months, or if the said company shall not complete the railroad, as provided in the second section of this act, with at least one track, within three years from the passage of this act, the same shall be void. [Approved by the Governor, May 10, 1848.]

Location and completion.

An Act in addition to "An Act to incorporate the Union Railroad Company."

Chap 297.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The bridge which said company are authorized by their act of incorporation to construct across Charles River, shall be located and constructed under the direction of a commissioner to be appointed by the governor, by and with the advice of the council, whose expenses shall be paid by said company.

Bridge across Charles River to be located, &c., by a commissioner to be appointed by governor and council.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act to incorporate the Central Square Wharf Company.

Chap 298.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Albert Bowker, William Fettyplace, Lewis Rice, their associates and successors, are hereby made a corporation, by the name of the Central Square Wharf Company, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land, wharves, docks, and flats, situated in that part of Boston called East Boston, lying opposite to Central Square and Border Street,

Corporators.

To purchase and hold, &c., lands, wharves, &c., in East Boston.

Boundaries.	and bounded southerly by the line of the estate of John M. Forbes and R. B. Forbes; easterly by Border Street; north-erly by the line of the estate known as Belcher's Wharf; and westerly by the commissioners' line, so called, in Bos-ton Harbor, as established by the act "concerning the Har-bor of Boston," passed the seventeenth day of March, in the year one thousand eight hundred and forty, with all the privileges and appurtenances to the same belonging; and the said corporation may, within the limits aforesaid, con-struct docks and wharves, and lay vessels within, and at the ends and sides thereof, and receive dockage and wharfage therefor; and may erect buildings, and lay out streets and passage-ways, and improve and manage said property as to them shall seem expedient: <i>provided</i> , that nothing herein contained shall authorize said corporation to infringe upon the legal rights of any person, or to construct any wharf or wharves below low-water mark, unless the same shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction.
Commissioners' line.	
To construct and maintain docks and wharves, lay out streets, &c. <i>Proviso.</i>	
Powers and liabilities.	SECTION 2. The said corporation shall have all the pow-ers and privileges, and be subject to all the duties, restric-tions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.
Real and per-sonal estate not exceeding \$200,000.	SECTION 3. Said corporation may hold real and personal estate, necessary and convenient for the purpose aforesaid, not exceeding, in amount, two hundred thousand dollars. [<i>Approved by the Governor, May 10, 1848.</i>]

Chap 299.

An Act in addition to "An Act for the more equal Assessment of Taxes."

BE it enacted by the Senate and House of Representa-tives, in General Court assembled, and by the authority of the same, as follows:

Penalty when cashier or clerk, &c., refuses or neglects to make returns, or makes false return, concern-ing shares held, &c.

SECTION 1. If any cashier or clerk, mentioned in the first section of an act entitled "An Act for the more equal as-sessment of taxes," passed on the twenty-fourth day of March, in the year one thousand eight hundred and forty-three, shall refuse or neglect to make such returns, or shall falsify any return which is required therein to be made, he shall forfeit, for every such offence, a sum not less than fifty dollars, nor more than five hundred dollars, to the use of the city or town in which any shareholder of any corpora-tion therein mentioned may reside, to be recovered by the treasurer of such city or town, in any court of competent jurisdiction.

Stat. 1843, ch. 98, sec. 2, re-pealed.

SECTION 2. The second section of the act, to which this is in addition, is hereby repealed. [*Approved by the Govern-or, May 10, 1848.*]

An Act to incorporate the Newburyport Health Insurance Company.

Chap 300.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. R. S. Spofford, John Atkinson, A. H. Wildes, their associates and successors, are hereby made a corporation, by the name of the Newburyport Health Insurance Company, to be established in the town of Newburyport, for the purpose of making assurances upon health, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation.

Corporators.

Health Insurance Company in Newburyport.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of such subscription, be secured to be paid, by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after demand shall have been made in some newspaper printed in the town of Newburyport, or, in case no newspaper is published in Newburyport, then in some newspaper published in the county of Essex, or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

Capital stock not to exceed \$50,000; shares \$25.

How to be paid in.

SECTION 3. Until four hundred shares have been subscribed for, and until the instalments aforesaid shall have been actually paid in, and until the residue of such subscriptions shall have been secured to be paid in the manner stated, said corporation shall have the power to insure the health of no persons excepting subscribers to the capital stock; but, after four hundred shares of said stock shall have been subscribed for, and paid in, or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

Subscribers only to be insured until, &c.

SECTION 4. The capital stock of said corporation shall be invested, at the discretion of the directors, either in loans secured by mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any bank in this Commonwealth, or in loans to towns. Said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Capital stock, how invested.

Real estate not to exceed \$10,000.

Dividends.

SECTION 5. The directors of said corporation shall, on the first Monday of June annually, cause a statement to be made, and a balance to be struck, of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for all outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum not exceeding six per cent. per annum on the amount of capital stock actually paid in, in proportion to the amount held by them respectively, if so much remain after paying said losses and expenses, and after providing for said risks; and in case said dividend shall not be paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Division of remaining profits.

SECTION 6. After providing for risks, losses, and incidental expenses, and dividends, as is set forth in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors, and applied toward the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among the stockholders, shall never exceed eight per cent. per annum on the capital stock already paid in; but such surplus of profits over eight per cent., if any, shall be divided among the insured. But no dividend whatever shall be made whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Surplus profits, over eight per cent., to be divided among the insured.

Capital stock not to be reduced.

Unpaid dividends to be advertised.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in some newspaper published in Newburyport, or, in case no newspaper is published in Newburyport, then in some newspaper published in the county of Essex; and if said dividends shall not be called for within one year from the date of such advertisement, they shall be forfeited to the corporation.

Subscribers may be required to effect insurance.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of the corporation, to effect insurance therein, either upon his own health, or upon the health of some other person, for such length of time as they shall prescribe; and every person, effecting insurance in said corporation, shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares authorized by this act shall be taken up; but in-

insurance may be made, and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damage insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after said corporation shall have been duly notified of such loss or damage; and no stockholder, or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness.

Suits by any stockholder against corporation.

Witnesses.

SECTION 10. On some day, within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for that purpose. Such statement shall contain, first, the amount of premiums received during said period, and the amount of interest received from investments and loans; second, the amount of the expenses of said company during the same period; third, the amount of losses incurred within said term; fourth, the balance remaining with said company; fifth, the nature of the securities in which the said balance is invested, and the amount of cash on hand, and an account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

Balance-statement of affairs to be made periodically, containing—

1. Amount of premiums and interest.
2. Amount of expenses;
3. Amount of losses;
4. Balance on hand;
5. Kind of securities and cash on hand.

Copy to be sent to secretary of Commonwealth, to be laid before the legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or in any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk. [*Approved by the Governor, May 10, 1848.*]

Company not to engage in life insurance. \$400 only on a single risk.

An Act granting aid to County Associations of Teachers and others.

Chap 301.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Whenever a county association of teachers and others, which has been or may be formed, shall hold semi-annual meetings, of not less than two days each, for the express purpose of promoting the interests of common schools, such association shall be entitled to receive fifty dollars a year from the state.

County association of teachers and others, holding semi-annual meetings, entitled to \$50 from the state.

Governor, when
to draw his
warrant.

SECTION 2. In pursuance of the provisions of the first section of this act, when the president and secretary of the association shall, under oath, have certified to the governor that two semi-annual meetings have been held, as aforesaid, he is hereby authorized to draw his warrant, in favor of said association, on the treasurer of the Commonwealth, for the sum of fifty dollars.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1848.*]

Chap 302.

An Act to incorporate the Haverhill Health Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Health Insurance Company
in Haverhill.

Proviso.

Capital stock
not to exceed
\$50,000;
shares, \$25.

How to be paid
or secured.

Subscribers
only to be in-
sured until 400
shares are sub-
scribed, &c.

SECTION 1. Caleb Hersey, Thomas M. Hayes, Hazen Morse, their associates and successors, are hereby made a corporation, by the name of the Haverhill Health Insurance Company, to be established in the town of Haverhill, for the purpose of making assurances upon health, with all the powers and privileges, and subject to all the duties and liabilities, contained in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation: *provided, however*, that the terms and conditions of its policies shall be approved by the governor and council.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed; and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in some newspaper published in the county of Essex, or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are or may become subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has been actually paid in, and the residue of such subscriptions has been secured to be paid in the manner stated; but, after the said four hundred shares of said stock shall have been subscribed for, and paid in, or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Investment of stock.

Real estate.

SECTION 5. The directors of said corporation shall, on the first Monday of June annually, cause a statement to be made, and a balance to be struck, of the affairs of said corporation; and if there shall be any ascertained profits, after paying all losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum not exceeding an interest of six per cent. per annum on the amount of capital stock actually paid in, on the stock held by them, if so much remain after paying said losses and expenses, and providing for said risks; and in case of said dividend not being paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Dividends.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and division of profits among stockholders, shall never exceed eight per cent. per annum on the capital stock actually paid in; but such surplus of profits over eight per cent., if any, shall be divided among the insured. But no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Division of remaining profits.

Surplus profits over 8 per cent. to be divided among the insured.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in some newspaper published in the county of Essex; and, if not called for within one year from the date of such an advertisement, they shall be forfeited to said corporation.

Unpaid dividends to be advertised.

Subscribers
may be required
to effect insur-
ance, &c.

SECTION 8. The directors shall have power to require every person subscribing to the stock of said corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person effecting insurance in said corporation shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares, authorized by this act, shall be taken up. But insurances may be made and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

Stockholders
may sue corpo-
ration.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage; and no stockholder, or person insured, not being in his individual capacity a party to such suit, shall be deemed incompetent as a witness.

Witnesses.

Balance-state-
ments period-
ically, contain-
ing—

SECTION 10. On some day within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for such purpose. Such statement shall contain, first, the amount of premiums received during the said period, and the amount of interest received from investments and loans; second, the amount of expenses of the said company during the same period; third, the amount of losses incurred within said term; fourth, the balance remaining with said company; fifth, the nature of the security in which the said balance is invested, the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

1. Amount of
premiums and
interest.

2. Amount of
expenses.

3. Losses.

4. Balance re-
maining.

5. Nature of se-
curities, cash on
hand, &c.

Copy to be sent
to secretary of
Commonwealth
for the legisla-
ture.

Not to insure
on lives.

\$400 per an-
num only, on a
single risk.

SECTION 11. Nothing contained in this act shall be so construed, as to authorize said company to engage in life insurance, or any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act to incorporate the Springfield Aqueduct Company.

Chap 303.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Charles Stearns, Festus Stebbins, George Hastings, their associates and successors, are hereby made a corporation, by the name of the Springfield Aqueduct Company, for the purpose of supplying the village of Springfield with pure water.

Corporators.

To supply Springfield with pure water.

SECTION 2. Said corporation may hold real and personal estate, for the purpose aforesaid, to an amount not exceeding fifty thousand dollars, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate, real and personal, not exceeding \$50,000.

SECTION 3. Said corporation may take and hold the several springs of water owned by Charles Stearns on the tenth day of April, in the year one thousand eight hundred and forty-eight, situated northerly of the Western Railroad, being four in number, and not including the springs on North, or End Brook, so called; and may collect and convey the water of said several springs, in logs or pipes, in the nearest and most convenient routes for the same, into one main pipe northerly of the Western Railroad, uniting the same with such main pipe at no point more westerly than that where the pipe from the Hayward spring or reservoir unites with the main pipe of said Stearns, and for this purpose may take such rights in any lands as may be necessary therefor. But no pipe shall be laid or maintained upon the lands taken and held by said Western Railroad Corporation, for their road, without their consent; and all damages sustained by any person, by taking the water of any of said springs and conveying the same into said main pipe, shall be paid by said aqueduct corporation; and if not agreed upon by the parties, shall be ascertained, determined, and recovered, in the manner now provided by law in case of lands taken for highways; and said corporation shall, within sixty days from the passage of this act, file, in the office of the registry of deeds of the county of Hampden, a description of the springs, lands, and rights, so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which the same are taken, signed by the president of said corporation.

May take and hold four springs,

and convey in pipes.

Proviso.

All damages to be paid by corporation; or to be ascertained, &c., as in case of land taken for highways.

Description of springs, lands, &c., to be filed in registry of deeds.

Reservoirs and hydrants.

SECTION 4. Said corporation may convey said water, in logs or pipes, from the junction of the water of said several springs with said main pipe, and distribute the same throughout the village of Springfield, and may make reservoirs and hydrants, and may establish and collect rents therefor, taking, by purchase only, any lands or rights

Rents.

necessary and convenient for such distribution, and for said reservoirs and hydrants.

Roads or ways to be dug up, by written license of selectmen.

SECTION 5. For the purpose of so distributing said water throughout the village of Springfield, and making hydrants therefor, the said corporation may enter upon and dig up any public road or way, and lay their logs or pipes therein, under the direction, and by the written license, of the selectmen of Springfield, given at a meeting of the board, specifying each road or way, and the part thereof, so to be dug up, the manner of doing the same, and the time within which the same shall be done, not exceeding one year from the date of such license; and said work shall be done so as to cause the least hindrance to the travel on said roads or ways, and the least inconvenience to private individuals; and they shall restore the said roads or ways to as good a condition as they were previously in, without unreasonable delay.

If selectmen refuse license, county commissioners may be applied to, and may grant license.

SECTION 6. If the selectmen of Springfield shall unreasonably refuse or neglect to grant any such license to said corporation, upon a written petition therefor, the said corporation may apply for such license to the county commissioners of the county of Hampden, first giving not less than seven days previous notice in writing, to a majority of said selectmen, of their intended application, so that they may appear, if they see fit, and object thereto. And if, on such application, it shall appear, that said selectmen did unreasonably refuse or neglect to grant any such license, the said commissioners may, if they see fit, grant the same, in the manner, and on the terms, in which the selectmen are herein authorized to grant such license.

Liability to town on indictment, and to individuals for damages.

SECTION 7. Said corporation shall be liable to indemnify said town of Springfield against any indictment or claim for damages, or any costs or payments therefor, and also any individuals for injuries or damages sustained by them on account of any defects of said roads or ways, or any obstructions therein, caused by the acts or neglect of said corporation or their servants. The same to be recovered in an action on the case against said corporation.

Duty of corporation in reference to fire.

SECTION 8. Upon the written request of the selectmen of Springfield, or the officers of any fire-district therein, the said corporation shall put conductors into their pipes suitable for drawing water thereby, to be used in case of fires, and shall permit as much water to be used thereby, free of expense, when any building in said town shall be on fire, as may be required in extinguishing the same, and said town or fire-district requesting the same shall be liable to pay all the expenses of such fixtures. And if said corporation shall unreasonably neglect or refuse to make such conductors, with the proper fixtures, the said town or fire-district may, at their own expense, make such conductors

and fixtures, to be used in the same manner as if made by said corporation.

SECTION 9. If any person shall wilfully and maliciously defile or corrupt the water of any of said springs or aqueducts, or shall wilfully and maliciously injure or destroy any pipe thereof, or any other fixture of the same, he shall forfeit and pay, to said corporation, to be recovered by an action on the case, treble the amount of damages which shall appear, on the trial, to be sustained by said corporation, and may be further punishable by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year.

Penalty for malicious injury to property of corporation.

Fine or imprisonment.

SECTION 10. The board of health of the town of Springfield may, at any time, enter upon the property of said corporation, and examine the said springs, reservoirs, and any streams of water connected therewith; and if they shall deem the same impure or unhealthy, they may direct such alterations, repairs and constructions therein, as they may judge necessary to make and preserve said water sufficiently pure for the health of the persons using the same; and if the said corporation, upon being duly notified in writing of such directions of the board of health, shall unreasonably refuse or neglect to comply with the same, the said board of health may cause such alterations, repairs, and constructions, or any parts thereof, to be made, and may recover all expenses thereof from said corporation, in any suit at law.

Right of board of health to examine springs, &c.

SECTION 11. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act in addition to the several Acts for the Relief of Insolvent Debtors, and the more equal Distribution of their Effects.

Chap 304.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint and commission some suitable person, in each county, to be a commissioner of insolvency, in the county for which he is appointed, who shall hold his office for the term of seven years, unless sooner removed by the governor and council.

Governor and council to appoint a commissioner of insolvency in each county. Official term, seven years.

SECTION 2. Said commissioners, before entering upon the duties of their office, shall take and subscribe the oaths or affirmations required to be taken by persons appointed to civil office by the governor, with the advice and consent of the council, under the constitution and laws of the Commonwealth.

To be sworn.

SECTION 3. Said commissioners shall have and exercise all the jurisdiction, power, and authority, that judges of probate and masters in chancery now have and exercise, under

Same jurisdiction as masters in chancery, &c.

and by virtue of the several acts to which this act is in addition; and all the provisions, in said several acts contained, shall apply, in like manner, to said commissioners, respectively, as they apply to judges of probate and masters in chancery, except so far as said provisions, or any of them, may be by this act modified or repealed.

Court of insolvency to be held in each county, on the first Tuesday of each month.

When commissioner is interested, judge of probate to act.

SECTION 4. Said commissioners shall hold a court of insolvency in their respective counties, at the shire towns thereof, on the first Tuesday of every month, and at such other times and places, within their respective counties, as they may severally appoint, at which said courts the like proceedings may be had as provided, by the several acts to which this act is in addition, in relation to meetings appointed by judges of probate and masters in chancery. In case the commissioner shall be interested in any question pending before him, it shall be the duty of the clerk to make a certificate of such fact in the record of the case; and thereupon, the judge of probate for the same county shall have jurisdiction of the case in which such question may have arisen; and shall hear and determine the same; and shall receive such compensation therefor, as said commissioner would have received for the like services.

All fees to be accounted for to state treasurer annually; excess over \$1500 to be paid into state treasury.

SECTION 5. The said commissioners shall severally, on or before the first Wednesday of January, of each year, render, to the treasurer of the Commonwealth, a true and just account of all fees received by them respectively; and if the fees, so received by any commissioner, except the travelling fees, as hereinafter provided, shall exceed the sum of fifteen hundred dollars, the excess shall be accounted for, and paid by said commissioners into the treasury of the Commonwealth.

Return of warrants.

SECTION 6. All warrants shall be returnable at any time not less than ten nor more than sixty days from the issuing of the same.

Fees for travel same as those of justices of the peace.

SECTION 7. Each commissioner shall receive, for travel in the performance of any official duty under this act, the same fees that are now prescribed by law for justices of the peace, in the discharge of their official duties.

Schedule of creditors.

SECTION 8. The schedule of creditors, heretofore required by law to be produced by an insolvent debtor, at the first meeting of his creditors, shall be presented by him to the messenger within three days after the date of the warrant, and the messenger shall return the same at the first meeting; and the messenger, in addition to the publications now required by law, shall send written notice, to the creditors named on the said schedule, of the time and place of the first meeting of the creditors of such insolvent debtor; and whenever it shall appear to the commissioner that such notice has not been given, he shall forthwith adjourn the

Written notice to each, of time and place of meeting, &c.

meeting, to the end that the foregoing requisition may be complied with.

SECTION 9. No insolvent debtor, whose assets do not pay fifty per cent. of the claims proved against his estate, shall receive a discharge under this act, or the acts to which this is in addition, unless a majority in number and value of his creditors, who have proved their claims, shall assent thereto, in writing, within six months after the date of the assignment; and in no case shall a certificate of discharge be granted until the third meeting of the creditors of such debtor, nor at any time, except at a meeting of the creditors; and such discharge shall be null and void if the debtor, or any person in his behalf, shall have procured the assent of any creditor thereto, by any pecuniary consideration.

No debtor to be discharged whose assets pay less than 50 per cent., unless, &c.

No discharge until 3d meeting.

When discharge shall be void.

SECTION 10. No discharge of an insolvent debtor, under this act and the acts to which this is in addition, shall bar any claim for necessities furnished to such debtor, or to his family, unless such claim shall have been proved against his estate.

No discharge shall bar claim for necessities, unless, &c.

SECTION 11. The assignee, or assignees, of any insolvent debtor, may appeal from the decision of the commissioner, granting a certificate of discharge to such insolvent debtor; and the like proceedings shall be had, as in the case of an appeal by the insolvent debtor whose discharge has been refused.

Appeal allowed from decision of commissioner.

SECTION 12. Whenever it shall appear to any commissioner, upon the complaint of any person interested in any insolvent estate pending before the said commissioner, that the assignee of such estate has fraudulently received, concealed, embezzled, or conveyed away, any of the money, goods, effects, or other estate, of the insolvent debtor, or has been interested in any suit at law in relation to the said estate, for the purpose of securing to himself a preference or priority over the other creditors, or has in his possession or control any portion of the said estate, with the intent to appropriate the same unlawfully to his own use, or has been guilty of any fraudulent act in relation to the said estate, it shall be lawful for the said commissioner, after due notice, to remove the said assignee, and appoint another in his place, who shall have the same powers that are now conferred upon the assignees of insolvent estates by the law of this Commonwealth, and all the estate of the insolvent debtor shall vest in the new assignee so appointed; and, in all cases, the commissioner may require the assignee of any insolvent case pending before him, to give good and sufficient bonds for the faithful performance and discharge of his duty.

When commissioner may remove assignee.

May appoint another.

Bonds may be required.

SECTION 13. Whenever any creditor of an insolvent estate, who has proved his debt, shall present his petition to

When commissioner may or-

der proceedings to be vacated. the commissioner before whom such estate is pending, requesting a stay of the proceedings, it shall be lawful for the said commissioner, after due notice to all persons interested in the estate, and a hearing of the matter, to pass an order, vacating all the proceedings in the case: *provided*, that no objection is made by such insolvent debtor, or by any creditor who shall have proved his debt.

Oath of creditor before allowance of claim.

SECTION 14. No debt shall be proved or allowed against any insolvent estate, unless the creditor shall make oath to the validity of the claim, which oath shall be in substance as follows, namely:—I, _____, do swear that _____, of _____, by (or against,) whom proceedings in insolvency have been instituted, at and before the date of such proceedings was, and still is, justly and truly indebted to me in the sum of _____, for which sum, or any part thereof, I have not, nor has any other person to my use, to my knowledge or belief, received any security or satisfaction whatever, beyond what has been disposed of agreeably to law. And I do further swear, that the said claim was not procured by me for the purpose of influencing the proceedings in this case. Said oath may be administered by any justice of the peace, where the creditor resides more than five miles from the place of meeting of the creditors.

When oath may be taken before a justice of the peace.

When commissioner may order any part of insolvent property to be sold before appointment of assignee.

SECTION 15. Whenever it shall appear, to the satisfaction of any commissioner who has issued a warrant to take possession of the estate of an insolvent debtor, that such estate, or any part thereof, is of a perishable nature, or likely to deteriorate in value before an assignee can be legally appointed, the commissioner may order the same to be sold in such manner as he may deem expedient, under the direction of the messenger, who shall hold the funds received, in the place of the estate so disposed of.

Acts and parts of acts repealed.

SECTION 16. The fourth section of the one hundred and seventy-eighth chapter of the statutes of the year one thousand eight hundred and forty-four, and so much of the several acts, to which this act is in addition, as gives jurisdiction to judges of probate and masters in chancery, in cases of insolvency, and all other provisions in said several acts, inconsistent with the provisions of this act, are hereby repealed.

Cases pending, not affected.

SECTION 17. This act shall not affect any case in insolvency now commenced, or that shall be hereafter commenced before this act shall take effect; and the judge of probate or master in chancery, before whom any such cases may be pending at the time this act shall take effect, shall have the same jurisdiction, power, and authority, in respect to them, as they now have. [*Approved by the Governor, May 10, 1848.*]

An Act concerning the State Reform School.

Chap 305.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The trustees of the state reform school, for the time being, shall be a corporation, by the name of the Trustees of the State Reform School, for the purpose of taking and holding, to themselves and their successors, in trust for the Commonwealth, any grant or devise of lands, and any donation or bequest of money, or other personal property, which has been, or may hereafter be, made for the use of said institution; and for the purpose of preserving and investing the proceeds of any such grant, devise, donation, or bequest, in notes or bonds secured by good and sufficient mortgages, or in other securities: with all the powers necessary to carry into effect the purposes aforesaid.

The trustees of the school to be a corporation, to hold in trust lands, donations, &c., for the Commonwealth.

SECTION 2. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act to establish a Fire Department in the Town of Lawrence.

Chap 306.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. A fire department is hereby established in the town of Lawrence, subject to, and to be governed by, the provisions of the act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine.

Fire department in Lawrence.

SECTION 2. The selectmen of the town of Lawrence may, at any time within three months after the passage of this act, appoint engineers for their fire department, who shall hold their offices, with the approbation of said selectmen, until the first day of May next, and until others are appointed in their stead.

Power of selectmen to appoint engineers therefor.

SECTION 3. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act to incorporate the Troy and Greenfield Railroad Company.

Chap 307.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. George Grennell, Roger H. Leavitt, Samuel H. Reed, their associates and successors, are hereby made a corporation, by the name of the Troy and Greenfield Railroad Company, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter thereof relating to railroad corporations, and in other general laws which have

Corporators.

been, or shall be hereafter passed, relative to railroad corporations.

Railroad from
Greenfield to
western line of
the state.

SECTION 2. Said company are hereby authorized to locate, construct, and maintain, a railroad, with one or more tracks, from some convenient point on the Vermont and Massachusetts Railroad, at or near the termination of said railroad in Greenfield, through any or all of the following towns, viz:—Greenfield, Deerfield, Conway, Shelburne, Buckland, Colerain, Charlemont, Hawley, Rowe, and Monroe, in the county of Franklin, and Savoy, Florida, Adams, Clarksburg, and Williamstown, in the county of Berkshire, to some point on the line of the state of New York or of Vermont, convenient to meet, or connect with, any railroad that may be constructed from any point at or near the city of Troy, on the Hudson River, in the state of New York.

To unite with
Vermont and
Mass. R. R.
and the Conn.
River R. R. in
Greenfield.

SECTION 3. The said company may, with their railroad, unite with, and enter upon, the Vermont and Massachusetts Railroad, at or near the termination thereof, as aforesaid, and may likewise enter upon, cross, and use, the railroad of the Connecticut River Railroad Company, in and near the town of Greenfield, (not, however, interfering with the depot buildings of either of said companies,) on such terms as may be agreed upon between the corporation hereby created and the aforesaid companies respectively, or as may be prescribed by law.

Capital stock
not to exceed
\$3,500,000;
shares \$100.

SECTION 4. The capital stock of the said company shall consist of not more than thirty-five thousand shares, the number of which shall, from time to time, be determined by the directors thereof; and no assessment shall be laid of a greater amount thereon, in the whole, than one hundred dollars on each share. And the said company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Estate real and
personal.

Location in two
years, comple-
tion in seven
years.

SECTION 5. If the location of said road shall not be filed within two years, in the manner prescribed by law, or if the said railroad shall not be constructed within seven years from the passage of this act, then the same shall be void.

Any other rail-
road may be
authorized to
enter upon, &c.

SECTION 6. The legislature may authorize any railroad company to enter, with their railroad, upon the Troy and Greenfield railroad, on such terms as may be agreed upon by said companies, or as may be prescribed by the provisions of law.

Legislature may
reduce tolls.

SECTION 7. The legislature may, after the expiration of five years from the time when such railroad shall be opened for use, from time to time, alter and reduce the rate of toll, or profits, upon said road; but said toll shall not be so reduced, without the consent of said company, as to produce, with said profits, less than ten per cent. per annum, upon the investments of the said company.

Corporation
may contract

SECTION 8. The said corporation may contract with the

owners of any contiguous railroad leading into or from either of the states of Vermont or New York, for the use of the whole or any part thereof, or for the running and operating the two railroads conjointly, or for the leasing of such contiguous road, or for the letting or hiring of their own road to the owners of such contiguous road, or of any other road which composes a part of the railroad line between the cities of Boston and Troy, of which the railroad hereby authorized shall be a part.

SECTION 9. The Troy and Greenfield Railroad Company shall, within one year after the opening of their road for use, purchase and take an assignment of the lease and contract of transportation, made and executed between the Western Railroad Corporation and the Pittsfield and North Adams Railroad Corporation, on the thirtieth day of January, in the year one thousand eight hundred and forty-six; and shall have all the advantages, and assume all the liabilities, accruing under and by virtue of said lease: *provided*, that the said Western Railroad Corporation shall perform their covenants in said lease, to keep said road, and other property therewith connected, in repair, until such assignment; and shall, within six months after the said Troy and Greenfield Railroad Company shall have filed the location of their road, according to law, and shall have raised, by subscription, one million of dollars, for the construction of the same, signify, in writing, their election to make such assignment: and *provided*, that, at the time of such assignment, there shall be secured to said Western Railroad Corporation, by a proper instrument, a lien or mortgage upon all their rights in said Pittsfield and North Adams railroad, as collateral security for the performance of all the obligations of said corporation, contained in said lease and contract of transportation: and *provided also*, that, after the completion of the said Troy and Greenfield railroad, the said Western Railroad Corporation shall assign and convey, to the said Troy and Greenfield Railroad Company, the said contract of transportation, according to the terms of this section, if the said Troy and Greenfield Railroad Company shall so elect.

SECTION 10. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

An Act relating to Ballast in the City of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The city council of the city of Boston are hereby authorized to establish any ordinances and regulations respecting the weighing and marking of lighters, and other vessels employed in the transportation of stones,

with owners of any contiguous railroad leading into or from Vermont or New York for the use, &c.

Shall purchase the lease of transportation between the W. R. R. Corporation and the North Adams R. R. Corporation.

Proviso.

Proviso.

Proviso.

Chap 308.

Power of city council to regulate the taking of ballast.

Penalties.

R. S. ch. 31st,
how far super-
seded.

gravel, sand, or other ballast, and for the inspection and weighing, such ballast within the city of Boston, including the appointment and compensation of weighers, markers, inspectors, or other officers necessary to carry such ordinances and regulations into effect, as they may deem expedient, and may affix penalties for the breach thereof, not exceeding those provided in the thirty-first chapter of the Revised Statutes.

SECTION 2. The adoption of any such ordinance, or regulation, shall supersede the provisions of the aforesaid thirty-first chapter of the Revised Statutes within said city, so far as the same shall be inconsistent with, or repugnant to, said provisions. [*Approved by the Governor, May 10, 1848.*]

Chap 309.

An Act to authorize the granting of Administration upon the Estates of Persons Deceased Intestate in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where no administration on estate for 20 years, on property first coming to light after that period, administration may be granted within five years.

Proviso.

SECTION 1. Whenever no administration shall have been taken on the estate of any person deceased intestate, within twenty years after his decease, if any property, real or personal, shall accrue to said estate, or, belonging to said estate, shall come to the knowledge of any person interested in said estate, for the first time, after the lapse of said twenty years, then original administration may be granted as in other cases, at any time within five years next after the said property shall so have accrued or come to knowledge. But such administration shall affect such property only as shall so have accrued or come to knowledge after the lapse of said twenty years.

SECTION 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1848.*]

Chap 310.

An Act in relation to the Payment of Annuities.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Where annuity is granted by will, annuitant entitled to demand the same on death of testator, unless otherwise provided in will.

SECTION 1. Whenever, by any last will and testament, or any instrument in the nature thereof, an annuity, or the use, rent, income, or interest of any property, real or personal, or the income of any fund, is given to, or in trust for the benefit of, any person for life, or until the happening of a contingent event, he shall be entitled to demand, receive, have, and enjoy the same, from and after the decease of the testator, or person so devising or bequeathing the same, unless it is otherwise provided in such will or testamentary instrument, or unless the same shall be required for the payment of debts, and other allowances having legal preference, out of the estate of the testator.

SECTION 2. If any person, so entitled to any such annuity, rent, interest, or income, shall decease, or if such contingent event shall happen at any intermediate time before the termination of a year from the time when the whole of the annual amount for the preceding year shall have become due, such annuity, rent, interest, or income, for the then current year, shall be apportioned, and he and his representatives shall be entitled to receive a proportional part thereof to the time of his decease, unless it is otherwise provided in such will or instrument; but no suit shall be brought for the recovery of such annuity or interest against any executor until the expiration of one year after he shall have assumed his trust by giving bonds. [*Approved by the Governor, May 10, 1848.*]

On decease of annuitant, annuity how apportioned.

An Act to incorporate the United States Health Insurance Company.

Chap 311.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Samuel H. Jenks, Henry A. Scudder, Charles H. White, their associates and successors, are hereby made a corporation, by the name of The United States Health Insurance Company, to be established in the city of Boston, for the purpose of making assurances upon health, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation: *provided, however*, that the terms and conditions of all policies shall be approved by the governor and council.

Corporators.

United States Insurance Company in Boston.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and there shall be paid, into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of said subscription, be secured to be paid, either by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after a demand shall have been made in two daily newspapers in the city of Boston; or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

Proviso, policies to be approved by governor and council.

Capital stock not to exceed \$50,000; shares \$25.

How paid in, or secured to be paid.

SECTION 3. The said corporation shall have power to insure the health of such persons only as are or may become subscribers to the capital stock, until four hundred shares have been subscribed for, and the instalment aforesaid has actually been paid in, and the residue of such subscriptions has

Subscribers only to be insured until 400 shares are paid in, &c.

been secured to be paid in the manner stated ; but, after the said four hundred shares of said stock have been subscribed for, and paid in or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

Capital stock,
how invested.

SECTION 4. The capital stock of this corporation shall be invested, at the discretion of the directors, either in loans upon bonds and mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any city, or of any bank in this Commonwealth, or in loans to towns in this Commonwealth. The said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Real estate.

Dividend of
profits.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance to be struck, of the affairs of said corporation ; and if there shall be any ascertained profits, after paying all losses and expenses of the year preceding, and providing for outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum not exceeding six per cent. per annum on the amount of capital stock actually paid in, on the stock held by them, if so much remain after paying said losses and expenses, and providing for said risks ; and in case said dividend shall not be paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Remaining
profits, how ap-
propriated.

SECTION 6. After providing for risks, losses, incidental expenses, and dividends, as specified in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors, and applied towards the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid, and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, the other half among the insured : *provided, however*, that said annual dividends, applications of payments on capital stock, and division of profits among stockholders, shall never exceed eight per cent. per annum on the capital stock actually paid in, but such surplus of profits over eight per cent., if any, shall be divided among the insured ; but no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Proviso.

Division of
profits, &c.,
never to exceed
3 per cent
annually.

Unpaid divi-
dends to be
advertised.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in some newspaper published in the city of Boston ; and, if not

called for within one year from the date of such an advertisement, shall be forfeited to said corporation.

SECTION 8. The directors shall have power to require every person, subscribing to the stock of said corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person, effecting insurance in said corporation, shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares authorized by this act shall be taken up; but insurances may be made, and risks may be taken, by said corporation, at the request of applicants, without their becoming stockholders.

Subscribers may be required to effect insurance, &c.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after the said corporation shall have been duly notified of such loss or damage; and no stockholder, or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

Suits by stockholders against corporation.

Witnesses.

SECTION 10. On some day, within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for such purpose. Such statement shall contain, first, the amount of premiums received during the said period, and the amount of interest received from investments and loans; secondly, the amount of expenses of the said company during the same period; thirdly, the amount of losses incurred within said term; fourthly, the balance remaining with said company; fifthly, the nature of the security in which the said balance is invested, the amount of cash on hand, and some account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

Periodical balance-statement containing—

- 1st. Amount of premiums and interest.
- 2d. Amount of expenses.
- 3d. Amount of losses.
- 4th. Balance remaining.
- 5th. Nature of securities and cash on hand.

Copy to be sent to the secretary of the Commonwealth for the legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk.

Not to insure on lives.

Not more than \$400 on one risk.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

Chap 312. An Act in addition to an Act to incorporate the Tanners' Mutual Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The Tanners' Mutual Insurance Company shall hereafter be called and known by the name of the Peoples' Mutual Insurance Company.

SECTION 2. All property insured by said company, from and after the thirtieth day of June next, shall be divided by the directors of said company into two distinct and separate classes. In the first class shall be insured the less hazardous description of property, and in the second class shall be insured the more hazardous description of property. The policy of each member of the company shall designate the class of risks with which he is associated. The premiums and deposit notes of each class, and the assessments for which members may become liable, shall be held and assessed to pay the losses occurring in the class to which they belong, and no other : *provided, however*, that until property to the amount of one hundred thousand dollars shall be insured in a separate class, the whole funds of the corporation shall be held and appropriated, in the manner prescribed in the thirty-seventh chapter of the Revised Statutes, to satisfy the claims for losses which any member of the corporation may be entitled to recover on his policy. The general expenses of the company, not strictly applicable to either class, shall be apportioned to each class, according to the amount insured in each.

Proviso.

Funds divided, &c., according to class of risks.

Act to be accepted by the company.

SECTION 3. In any division of the funds of the corporation, and in all returns of premiums and deposits, each member shall only be entitled to receive his proportionable part of the funds belonging to the class of risks with which he is associated.

SECTION 4. This act shall not take effect, unless it shall be accepted by the members of said company, at a meeting to be called for the purpose. [*Approved by the Governor, May 10, 1848.*]

Chap 313.

An Act concerning Alien Passengers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Governor and council to appoint superintendents of alien passengers.

Oath.
Bonds.

SECTION 1. The governor, with the advice and consent of the council, shall appoint and commission some suitable person to be superintendent of alien passengers in each city and town of the Commonwealth, when it may be necessary for the execution of the provisions herein contained, who, before entering upon the duties of his office, shall be duly sworn, and shall give bonds to the state treasurer, with suf-

ficient sureties for the performance thereof, in such sum as shall be specified by the governor in his commission, and who shall hold said office until another shall be appointed, commissioned, and qualified in his stead; and the superintendent shall, from time to time, notify the pilots of the port of the said city or town, of the place or places where the said examination is to be made, and the said pilot shall be required to anchor all such vessels at the place so appointed, and shall require said vessels there to remain until such examination shall be had; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section, or who shall, through negligence or design, permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty, nor more than two thousand dollars.

Superintendent to give notice to pilots of the place of examination.

Penalty if pilots suffer an alien passenger to land before examination.

SECTION 2. The governor, with the advice and consent of the council, shall determine the salary of each superintendent of alien passengers by him appointed, and shall specify the same in his commission: *provided, however*, that such salary shall never exceed the net amount of alien-passenger money received by such superintendent, according to the provisions of this act.

Governor and council to fix salary.

Proviso.

SECTION 3. The superintendents of alien passengers shall have a care and oversight of all causes and matters arising under this act, in the city or town for which they are appointed; and whenever a breach of any of its provisions shall come to their knowledge, they shall, with the advice of the district attorney for their district, institute prosecutions, by indictment or otherwise, for the forfeitures incurred.

Duties of superintendents.

Prosecutions.

SECTION 4. When any vessel shall arrive at any port or harbor within this state, with alien passengers on board, who have never before been within the state, the superintendent of the city or town where it is intended to land such passengers shall go on board such vessels, and shall examine into the condition of said passengers; and the master or commanding officer of such vessel shall, within twenty-four hours after such arrival, make a report in writing, under oath, to said superintendent, of the name, age, sex, occupation, place of birth, last place of residence, and condition, of every such passenger, and none of them shall be landed, or be permitted to land, until such report shall be made, except as is hereinafter provided.

To examine into condition of passengers arriving, &c.

Master of vessel to make report under oath.

No alien passenger permitted to land till report made.

SECTION 5. If, on examination, there shall be found, among said passengers, any lunatic, idiot, maimed, aged, or infirm person, incompetent, in the opinion of the superintendent so examining, to maintain themselves, or who have been paupers in any other country, no such alien passengers shall be permitted to land until the master, owner, consignee, or agent of such vessel, shall make and deliver, to

Lunatics, idiots, &c., not permitted to land till bond given by master, &c.

Proviso.

Proviso, as to such as are so sick or destitute as to require relief, when master refuses to report them, &c.

Superintendents to render accounts quarterly to state treasurer, of money received.

Balance, after deducting, &c., to be paid into state treasury.

Abstract of information concerning alien passengers to be published in January, May, and September, by treasurer of Commonwealth.

said superintendent, a bond to the Commonwealth, with such sureties as are undoubted and satisfactory, in the sum of one thousand dollars, that no such lunatic or indigent passenger shall ever become a city, town, or state charge, from the date of said bond: *provided, however*, that if it shall be made to appear to said superintendent, by undoubted evidence, that any passengers on board of such vessel are in such condition as to health, property, capacity, and character, that they are not likely to become chargeable to any city or town, he may permit them to be landed, on payment to him, by said master, consignee, or agent, of the sum of two dollars for each passenger so landed; and the names of all such passengers shall be certified by said superintendent on the back of the report: *and provided, further*, that if any such passengers are so sick or destitute as to require relief, and if said master shall refuse to report them, or if said master, owner, consignee, or agent, shall refuse to give such bond as is herein required, the said superintendent may permit them to be landed, and, in such cases, any city or town, that shall be put to any expenses for the support, sickness, or burial, of any such passenger, within ten years of the time he has so landed, may maintain an action of debt against said master, owner, consignee, or agent, and recover all expense incurred as aforesaid; and said commanding officer, owner, consignee, or agent, shall be liable to the penalties provided in the tenth section of this act.

SECTION 6. Every superintendent of alien passengers shall, on the third Wednesday of January, April, July, and October, of each year, render an account, to the treasurer of the Commonwealth, of all the money received by him and his assistants, under the provisions of this act, up to the first days of said months of January, April, July, and October; and, after deducting therefrom the amount of salary due to him up to the time to which said quarterly accounts shall severally extend, shall pay the balance into the state treasury; and the treasurer shall, as soon as may be after the third Wednesday of January of each year, lay said accounts before the legislature.

SECTION 7. The treasurer of the Commonwealth shall, during the months of January, May, and September, of each year, cause to be published, in some convenient form for reference, an abstract of the reports and bonds deposited with him by superintendents, as provided in the seventh section, which abstract shall contain an alphabetical list of all the names of alien passengers that shall have been reported up to the time of publishing said abstract, and not previously published, with the reported age, sex, occupation, place of birth, and last place of residence, of each of said aliens; also the time and place of their landing, the

name of the vessel from which they were landed, and, if bonds of indemnity shall have been given as is provided in the fifth section, the names of the obligors in said bonds, and their residences, and also the names of such alien passengers as shall have been permitted to land by any superintendent, under the second proviso contained in said fifth section; together with the name of the vessel from which they were landed, the time when landed, with the names respectively of the master, commanding officer, owner, consignee, or agent of such vessel; and the treasurer shall forward a copy of said abstract, when so published, to the clerks of the several towns and cities in the Commonwealth.

Copy of abstract to be sent to each city and town in Commonwealth.

SECTION 8. The overseers of the poor, in any town where there may be no superintendent of alien passengers, or where such superintendent shall be unable to perform his duties by reason of absence or ill health, shall perform the duties and exercise the authority herein conferred on such superintendents, and shall in like manner render their accounts to the state treasurer, and pay over the money so received, deducting therefrom a reasonable compensation for their services.

Overseers of poor to perform duties of superintendents in certain cases.

SECTION 9. If any master, or commanding officer of any vessel, shall land any such alien passengers at any place within this state other than those to which such vessel is destined, with intent to avoid the requirements of this act, such master or commanding officer shall forfeit the sum of one hundred dollars for every such passenger so landed.

Masters of vessels, evading, &c., to forfeit \$100, for each alien passenger landed.

SECTION 10. If any master or commanding officer of any vessel shall land, or permit to be landed, in this state, any alien passengers as aforesaid, without complying with the provisions of this act, said master or commanding officer, and the owner or consignee thereof, shall severally forfeit the sum of five hundred dollars for every such alien passenger so landed: *provided, always*, that the provisions in this act shall not extend to seamen sent from foreign places by consuls or vice-consuls of the United States, nor to vessels coming on shore in distress, or to any alien passenger taken from any wreck, where life is in danger.

Masters failing to comply, &c., to forfeit \$500 for each alien passenger landed. Owners, &c., same forfeiture.

Proviso.

SECTION 11. The two hundred and thirty-eighth chapter of the statutes of the year one thousand eight hundred and thirty-seven, and also the ninety-sixth chapter of the statutes of the year one thousand eight hundred and forty, and also the seventy-sixth chapter of the statutes of the year one thousand eight hundred and forty-five, are hereby repealed: *provided*, that nothing herein contained shall release any city or town from paying into the treasury any amount of money which shall have accrued to the state.

Acts repealed.

Proviso.

SECTION 12. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

Chap 314. An Act in addition to "An Act to establish Regulations concerning the Harbor of Boston."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Harbor-master to regulate anchorage of vessels in the upper harbor of Boston.

SECTION 1. The harbor-master authorized to be appointed by the fifth section of the act to which this is in addition, shall have authority to regulate the anchorage of all vessels in the upper harbor of Boston, and, when necessary, to order the removal of such vessels, and to cause the same to be removed in obedience to such order, at the expense of the master or owners thereof; and if any person shall obstruct said harbor-master in the performance of any of his duties, as prescribed by this act, or by the act to which this is in addition, or shall neglect or refuse to obey any lawful order made by said harbor-master, he shall be liable to a penalty, not exceeding fifty dollars, for each offence, to be recovered by indictment, for the use of the city of Boston.

Penalty for obstructing harbor-master.

Master or owners liable for certain violations committed on board their vessels.

SECTION 2. Whenever any person, on board of any vessel, shall violate the provisions of the third section of the act to which this is in addition, the master or owners of said vessel shall be liable to the penalty prescribed in said section, as well as the person so offending.

Limitation in former act repealed.

SECTION 3. The provisions of the second section of the act to which this is in addition shall apply to all the yards of vessels as well as the lower yards, any thing in said section to the contrary notwithstanding.

Concerning anchor-watch and lights at night.

SECTION 4. All vessels at anchor in the harbor of Boston shall keep an anchor-watch at all times, and shall keep a clear and distinct light, suspended at least six feet above the deck, during the night; and whenever the provisions of this section shall be violated on board any vessel, the master or owners shall be liable to a penalty of not more than twenty dollars, to be recovered in the manner provided in the act to which this is in addition, and shall be held liable to pay all damages that may be occasioned by such violation. [Approved by the Governor, May 10, 1848.]

Penalty.

Chap 315. An Act for the more effectual Suppression of Common Gaming Houses.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for keeping common gaming-house, or any apparatus for unlawful games.

SECTION 1. If any person, for hire, gain, or reward, shall keep a common gaming-house, or, in any building, booth, yard, or garden, by him actually used and occupied, shall commonly keep, or suffer to be kept, any tables, or other apparatus, for the purpose of playing at any unlawful game or sport, for money or any other valuable thing, every person so offending shall, for every such offence, forfeit a sum not exceeding one hundred dollars, and shall also be com-

Fine and imprisonment.

mitted to the house of correction of the county where the offence shall be committed, for a term of time not exceeding six months, and not less than thirty days; and shall also recognize, with sufficient sureties, in a reasonable sum, for his good behavior, and especially that he will not be guilty of any offence against the provisions of this act, for the space of three years next ensuing.

SECTION 2. All acts, and parts of acts, inconsistent with this act, are hereby repealed. Inconsistent acts repealed.

SECTION 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1848.*]

An Act concerning Meetings of the Town of Springfield.

Chap 316.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The offices of any of the annual officers of the town of Springfield, who reside without the present limits of said town, are hereby declared vacant, and any such vacancies may be filled at any adjournment of a meeting of the inhabitants of said town heretofore holden, or at any new meeting to be holden before the first day of June next. Concerning town officers residing in Chicopee, a new town set off from Springfield.

SECTION 2. All appropriations of money, already made by said town for the present year, are hereby annulled; and any appropriations of money authorized by law may be made by said inhabitants before the first day of June next, at any such new meeting, or at any adjournment of such former meeting; and all such appropriations shall be assessed and collected in the same manner as if they had been made at a meeting held before the first day of May. Concerning appropriations of money in Springfield for the present year.

SECTION 3. The commissioners of the county of Hampden, after notice to the selectmen of the towns of Springfield and Chicopee, shall, at any regular meeting, or at a special meeting, which they are hereby authorized to hold for the purpose, revise their apportionment of the county tax for the present year, and for each year, until the next decennial valuation, and determine the proportions thereof which shall be paid by each of said towns, and shall, until the next decennial valuation is established, commit the same, for assessment and collection, to the assessors of each of said towns; and the same shall be assessed, collected, and paid over, in the same manner, and under the same penalties and liabilities, as county taxes are now, by law, assessed, collected, and paid over. Power of county commissioners of Hampden in the apportionment of county tax for Springfield and Chicopee, until next decennial valuation.

SECTION 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 10, 1848.*]

Chap 317. An Act authorizing Sheriffs and their Deputies to administer Oaths in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Officers levying executions under R. S. ch. 73, or setting off dower, under R. S. ch. 102, sec. 6, may administer the oaths required.

Whenever any officer shall, hereafter, proceed to levy an execution upon real estate, in the manner provided in the third section of the seventy-third chapter of the Revised Statutes, or shall proceed to set off dower, as prescribed in the sixth section of the one hundred and second chapter of the Revised Statutes, said officer may administer the oaths therein required, any thing in said sections to the contrary notwithstanding. [Approved by the Governor, May 10, 1848.]

Chap 318.

An Act in addition to "An Act for the better establishment of the Police Court of the City of New Bedford."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Jurisdiction of Police Court in New Bedford not affected by reason of payment of fines or costs, into city or county treasury.

The police court of the city of New Bedford shall continue to have the same jurisdiction which it has exercised hitherto, and the jurisdiction thereof shall not be limited by reason of any interest on the part of the justices of said court, which may arise from the payment of fines or costs, adjudged or accruing in said court, into the treasury of the city of New Bedford, or of the county of Bristol. [Approved by the Governor, May 10, 1848.]

Chap 319.

An Act to change the Names of the Persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Suffolk.

Winthrop Sears may take the name of Knyvet Winthrop Sears; James Foster may take the name of James Rolf Foster; Isaac Bradford, a minor, may take the name of Isaac Buckminster Bradford; William Brookings, a minor, may take the name of William Adams; Francis Joseph Nursptill may take the name of Francis Joseph Nourse; his wife, Mary Elizabeth, and their minor children, Mary Elizabeth, Francis Joseph, Sophrona, and Jacob Gilmore, may severally take the surname of Nourse; Jacob Nursptill may take the name of Jacob Nourse; Caroline, his wife, and George Henry, their minor son, may each take the surname of Nourse; Charles Miller Reed may take the name of Gardner Kinsell Reed; Mehitable Eastman may take the name of Maria Mehitable Eastman; Roswell Dunnakin may take the name of Roswell Brooks; Roswell Munroe and Frederic Justus, his minor sons, may each take the surname of Brooks; Joseph Warren Appleton may take the

name of William Appleton; Isaac De St. Croix Woodbury may take the name of Isaac De Woodbury; George Washington Jenks Furness may take the name of George Jenks Furness; George Henry Snelling may take the name of George Lester Snelling; Jonathan Robbins may take the name of John Robbins; David G. McMurphy may take the name of David G. Merrill; Isaac Stevens Parker may take the name of W. Stevens Parker; Charles Rice Sherman, a minor, may take the name of Charles Bowler Sherman; Christopher List may take the name of Charles List; severally of the city of Boston, all of the county of Suffolk.

Caroline Elizabeth Chaplin, of Rowley, a minor, may ^{Essex.} take the name of Caroline Louisa Chaplin; Michael Hoyt Morse, of Newburyport, a minor, may take the name of Edward Hoyt Morse; George Kimball, of Bradford, may take the name of George M. Kimball; Charles Kimball, a minor, of Bradford, may take the name of Charles B. Kimball; Jeremiah Staniford Harris, of Salem, may take the name of George Harris; Jonathan Cass Whippen, of Lynn, may take the name of Henry Cass Whippen; Samuel Dickinson Bartlett, of Newburyport, may take the name of Samuel Waldo Bartlett; Enoch Thurlow Bartlett, of Newburyport, may take the name of Henry Thurlow Bartlett; Horace Bailey Balch, of Bradford, may take the name of Horace Morse Balch; Charles Scott, of Hamilton, minor, may take the name of Charles Aaron Dodge; Albert Pitman Allen, of Manchester, may take the name of John Woodberry Allen; Sarah Ellen Varnum, of Lynn, minor, may take the name of Sarah Ellen Alley; Ira D. Ricker, of Beverly, may take the name of Ira Davis; Elias Endicott Putnam, of Danvers, may take the name of Elias Putnam; George Honeycomb, of Salem, may take the name of George Henry Peirson; Sampson Cummings, of Lynn, may take the name of Thomas Clarkson Cummings; Betsey Potter Allen, a minor, of Lynn, may take the name of Helena Potter Allen; Joseph Waters, of Salem, may take the name of Joseph Linton Waters; George Moody, of Rowley, may take the name of Latimer George Moody; Perley Goodale King, of Danvers, may take the name of Perley King; John Pearson, 3d, of Newburyport, may take the name of John Perley Pearson; John W. Rogers, of Newbury, may take the name of John Roger Williams; Andrew W. Abbott, of Salem may take the name of Andrew Abbott Ward; all of the county of Essex.

Angelina Elizabeth Chapman, of Lowell, may take the ^{Middlesex.} name of Dianna Elizabeth Phelps; William Coffern Gilman Nutting, of Dracut, may take the name of Coffern Nutting; Thomas Baldwin Brown, of South Reading, may take the name of Thomas Baldwin Burnap Brown; America Perkins Bonney, of Lowell, may take the name of Arthur Per-

kins Bonney; Calvin Nichols, of Reading, may take the name of John Calvin Nichols; William Edes, of Natick, a minor, may take the name of William Francis Newhall; William Henry Trigger and John Trigger, of Newton, may each take the surname of Phillips instead of Trigger; William Thurston Powers, of Reading, may take the name of William Thurston; Stephen Brooks Hoar, and Timothy Hoar, of Brighton, may each take the surname of Brooks instead of Hoar; Rice Kendall, of Sherburne, may take the name of Charles Rice Kendall; Susan E. Amidown, a minor, of Lowell, may take the name of Susan E. Walker; Hannah S. Converse, of Woburn, minor, may take the name of Hannah S. Thompson; Alvan Phillis, of Concord, may take the name of Alvan Phillis Parker; Mary Maria Felton, of Stow, may take the name of Mary Maria Withington; Herod Collins, of Charlestown, may take the name of Edwin Collins; Samuel Leighton, of Newton, may take the name of Samuel Stillman Leighton; Mary Underwood, of Chelmsford, may take the name of Mary Farr; Rhoda Fullerton, of Lowell, may take the name of Frances Fullerton; Roger Vose, of Lowell, may take the name of Roger Vance; Benjamin Rice Davison, of Lexington, may take the name of William Henry Davison; Lucinda Frost, of Natick, may take the name of Clara Howard; all of the county of Middlesex.

Worcester.

George Lyman Chilson, of Leicester, may take the name of George Dexter Chilson; Daniel Mowry, of Douglas, may take the name of David Mowry; Foster Death, of Rutland, and his wife, Hepsibeth Death, and their minor children Charles and Henry, may each take the surname of Dana instead of Death; Elizabeth D. Shackford, of Shrewsbury, may take the name of Elizabeth Davis; and her minor children, John J. Sylvester, and George L., may severally take the surname of Davis, instead of Shackford; Joseph Hoar may take the name of Joseph H. Heywood; Samuel R. Hoar may take the name of Samuel R. Heywood; Dorcas K. Hoar may take the name of Dorcas K. Heywood; Dwight Hoar may take the name of Dwight H. Heywood; Mary R. Hoar may take the name of Mary R. Heywood; Ezra H. Hoar may take the name of Ezra H. Heywood; Fidelia M. Hoar may take the name of Fidelia M. Heywood; Lyman B. Hoar may take the name of Lyman B. Heywood; Alonzo P. Hoar may take the name of Alonzo P. Heywood; all of Princeton. Isaac Merrill Wheeler, of Rutland, may take the name of Merrill Wheeler; John Allyn Weston, of Worcester, may take the name of Allyn Weston; Vina Newton, of Worcester, may take the name of Levinia Pierce Robbins; Jared Curtis Delany, of Southbridge, a minor, may take the name of Jared Curtis Healy; Henry Adin Stone, of Shrewsbury, may

take the name of Isaac Hubbard Stone ; Levi Carruth, of Templeton, may take the name of Levi W. Carruth ; Paschal Peola Deming Weld, of Charlton, may take the name of Vernon Weld ; Joseph Knowlton Mann, of Petersham, a minor, may take the name of Joseph Mann Jackson ; William Everett Dalrymple, a minor, of Northborough, may take the name of William Everett Warren ; Franklin Bradford Metcalf, of Leicester, may take the name of Franklin Bradford King ; Mary Davis Goodspeed, of Hubbardston, a minor, may take the name of Mary Alma Goodspeed ; Abraham Vest, of Grafton, may take the name of John Negus Wilson ; Sally Vest, wife of the said Abraham Vest, and Walter Vest, and Mary Elizabeth Vest, their minor children, may take the surname of Wilson, instead of Vest ; Willard Sherman, of North Brookfield, may take the name of Harrison Willard Sherman ; Ephraim Warren Fuller, of Worcester, may take the name of Warren Fuller ; Michael Herne, and John Herne, of Lancaster, may each take the surname of Kelley, instead of Herne ; all of the county of Worcester.

Reuben Pierce, of Northampton, may take the name of Hampshire. Henry Reuben Pierce ; Charles Judd Bridgman, of Northampton, a minor, may take the name of Charles Judson Bridgman,—all of the county of Hampshire.

Reuben Benjamin Crosier, of Heath, a minor, may take Franklin. the name of Lemuel Sanford Churchill ; Eliza H. Ball, of Northfield, may take the name of Eliza H. Wright ; William D. Watton, of Gill, may take the name of William Burrows ; Martha Brown, of Whately, a minor, may take the name of Martha Cummings Brown ; Frederick Mason Richards Brown, a minor, of Whately, may take the name of Frederick Richards Brown ; Warren Marsh, of Montague, may take the name of Warren Bryant Marsh ; Henry Dickinson, of Deerfield, may take the name of Henry Whipple Dickinson ; Katharine A. Crafts, of Whately, may take the name of Caroline A. Crafts ; Remembrance Smith, of Whately, may take the name of Justin Remembrance Smith ; Preserved Smith Guellow, of Greenfield, may take the name of Albert Preserved Wright ; Araunah Ide, of Shelburne, may take the name of John A. Ide ; Martin Severance, of Shelburne, may take the name of Martin Juan Severance—all of the county of Franklin.

Charity Whittemore, of Becket, may take the name of Berkshire. Charity Whittemore Johnson ; John Abbott, 2d. of Hinsdale, may take the name of John Hubbard Abbott ; Thalia Maria Abbott, of Hinsdale, may take the name of Mary Maria Abbott ; Stephen McCrea, of Williamstown, a minor, may take the name of Stephen Southworth ; Julia Andrews, of New Marlborough, may take the name of Julia Bullard—all of the county of Berkshire.

Norfolk.

Harriet Jane Morey, of Bellingham, a minor, may take the name of Harriet Jane Cook; Julia Ann Potter, of Franklin, a minor, may take the name of Ann Olivia Potter Whiting; Ellen Augusta Bragg, of Medfield, a minor, may take the name of Ellen Augusta Fales; Hubert Gaumond, of Canton, may take the name of Hubert G. Woodbury; Greenleaf Sanger, of Dover, may take the name of Simon Greenleaf Sanger—all of the county of Norfolk.

Plymouth.

William Lemma, of North Bridgewater, may take the name of William Lemmar; Sarah Elisabeth Ames, of Marshfield, a minor, may take the name of Sarah Dering Thomas Ames; Françoise Berthier, of Rochester, a minor, may take the name of Frances Berthier Pitcher; Sherman Allen Sturtevant, of Plymouth, may take the name of Sherman Allen; John Quincy Adams Faunce, of Kingston, may take the name of Quincy Adams Faunce; Nathaniel Faunce, Jr., of Kingston, may take the name of Nathaniel Arthur Faunce; Sarah Kinney, of Rochester, may take the name of Sarah Dunham—all of the county of Plymouth.

Bristol.

Noah Erastus Fillebrown, of Easton, may take the name of Erastus Brown; Eliza Adeline Fillebrown, of Easton, may take the name of Eliza Adeline Brown; Margaret Myer, of New Bedford, a minor, may take the name of Margaret Myer Wood; Martha A. Holmes, of Mansfield, a minor, may take the name of Martha A. Gordon; Laban Mitchel Wheaton Wild, of Norton, a minor, may take the name of Laban Mitchel Wheaton—all of the county of Bristol.

Barnstable.

Charles Bray, of Yarmouth, a minor, may take the name of Charles Matthews Bray; Joseph Baker, of Harwich, may take the name of Joseph Otis Baker; Lydia Matthews Bassett, of Yarmouth, may take the name of Lydia Matthews Sherman; Frederick U. Small, a minor, may take the name of James Henry Small; Benjamin F. Small, a minor, may take the name of Joshua D. P. Small, both of Provincetown; Bethiah Crowell Matthews, of Yarmouth, may take the name of Fanny Bethiah Matthews; Eunice Hallet Matthews, of Yarmouth, a minor, may take the name of Rebekah Hallet Matthews—all of the county of Barnstable. And the several persons before named, from and after the passing of this act, shall be known and called by the names which by this act they are respectively allowed to assume, as aforesaid, and the same shall hereafter be considered as their own proper and legal names. [*Approved by the Governor, May 10, 1848.*]

An Act for the Removal of Insane Persons confined in Jail for Debt.

Chap 320.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Whenever any person is confined in jail, on mesne process or execution, supposed to be insane and thereby rendered incapable of taking the poor debtor's oath, any person interested for his removal from jail on account of his supposed insanity, may apply, by petition, to the judge of probate in and for the county in which said person is imprisoned, setting forth the facts in the case, whereupon said judge shall appoint a time and place for a hearing and examination in the premises, and shall order notice thereof to be given to the creditor, or his attorney, on whose suit said person is confined, seven days previous to the time of said examination; and if, upon said hearing and examination, said judge shall be satisfied that said person is insane, said judge may order his discharge or removal to the insane hospital at Worcester, or such other place as is provided by law for insane persons, in any town or city in this Commonwealth.

Insane debtors may be released from confinement in jails by proceedings before judge of probate, setting forth the facts,

After hearing, &c., judge may order discharge or removal to some insane hospital.

SECTION 2. Said judge, for receiving such a petition, issuing the order of notice, and examination and adjudication thereon, shall receive the sum of five dollars, to be paid by the petitioner.

Judge's fees.

SECTION 3. Whenever any person is removed from jail, as above provided, the legal rights of said creditor shall not be affected thereby, but shall remain as though no commitment had taken place. [Approved by the Governor, May 10, 1848.]

Legal rights of creditor not to be affected.

An Act to incorporate the Proprietors of the South Market.

Chap 321.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Samuel S. Perkins, Noah Sturtevant, Barnabas Hammatt, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the South Market, for the purpose of erecting and managing a market for the sale and storage of country produce and other merchandise, to be located south of Summer Street and east of Washington Street, in the city of Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that nothing contained in this act shall be construed to authorize said corporation to engage in buying or selling produce or merchandise of any description.

Corporators.

To erect a market for country produce, &c., in Boston.

Proviso.

SECTION 2. Said corporation may hold real and personal

Estate, real and personal, not exceeding \$600,000.

City council may make police regulations.

Terms on which city of Boston may purchase the franchise, &c., within ten years.

Duty of directors thereupon.

Market to be built within three years.

estate, necessary and convenient for the purpose aforesaid, not exceeding in amount six hundred thousand dollars.

SECTION 3. The city of Boston may, by its city council, or by any person or body to whom said council shall delegate its power, make and enforce suitable and proper police regulations in and around said market and its appurtenances, at the expense of said corporation.

SECTION 4. The city of Boston may, at any time within ten years from the passage of this act, purchase of said corporation the said market, and all the franchise, property, rights, and privileges, of said corporation, on paying therefor the amount expended in erecting said market, with interest thereon, at the rate of ten per centum per annum, deducting therefrom all sums that shall have been received by the members of said corporation, as dividends of income or profits, and also the amount of all reserved profits on hand at the time of such purchase. And whenever the city of Boston shall have determined to purchase said market, the directors of said corporation shall, upon reasonable notice, make out a statement of the amount to be paid according to the foregoing provisions, and shall exhibit their books and papers in verification of said statement; and upon the payment, by said city of Boston, of the sum which shall be found to be payable as hereinbefore provided, said corporation shall make, execute, and deliver, all such deeds, conveyances, and assurances, as may be necessary to invest in said city the said market, and all the franchise, property, rights, and privileges, of said corporation.

SECTION 5. This act shall take effect from and after its passage, and shall be void unless said market shall be located and built within three years. [*Approved by the Governor, May 10, 1848.*]

Chap 322.

An Act in addition to An Act incorporating the Boston and Maine Railroad, and to change the location of a Branch thereof.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boston and Maine Railroad may meet the Manchester and Lawrence Railroad at New Hampshire State line.

Time of filing location extended.

SECTION 1. The Boston and Maine Railroad Corporation are hereby authorized to alter the location of their branch railroad, in Methuen, so as to meet the Manchester and Lawrence Railroad, at the line of the state of New Hampshire, as the same shall be finally located and constructed.

SECTION 2. The time of filing the location of the railroad authorized by the act, passed on the third day of March, in the year one thousand eight hundred and forty-six, entitled "An Act in addition to an act incorporating the Boston and Maine Railroad," is hereby extended for the term of three months from the passage of this act.

SECTION 3. Nothing contained in this act shall be con-

strued to affect any private right in any land or other property, concerning which land or property, any action has been commenced and is now pending against said corporation.

SECTION 4. This act shall take effect from and after its passage. [Approved by the Governor, May 10, 1848.]

No private rights to land, in suits against Boston and Maine Railroad Company to be affected.

An Act to incorporate the Lawrence House.

Chap 323.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Walter Channing, Frederick Gould, Simon G. Shipley, their associates and successors, are hereby made a corporation, by the name of the Lawrence House, for the purpose of erecting a public house in the city of Boston, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

For a public house in Boston.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary and convenient for the purpose aforesaid, not exceeding in amount three hundred thousand dollars: *provided*, that, if any ardent spirits or intoxicating drink, of any kind whatever, shall be sold by said company, or by their agents, or by their lessees, or by persons in their employ, in said house, then this act shall be void. [Approved by the Governor, May 10, 1848.]

Real and personal estate not exceeding \$300,000.

Act to be void if ardent spirits, &c., shall be sold in the house.

An Act in relation to Prisoners.

Chap 324.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Each prisoner, who may be confined in any of the prisons of the Commonwealth, shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body; unless, by reason of the sickness of such prisoner, such bath shall be hurtful or dangerous.

Means of bathing to be furnished at all prisons.

SECTION 2. The state-prison, and the houses of correction, shall, within six months after the passage of this act, be ventilated in a suitable and efficient manner.

Ventilation at state-prison, and houses of correction.

SECTION 3. The warden and inspectors of the state-prison, the county commissioners of each county, the mayor and aldermen of the city of Boston, with the sheriffs of each county, respectively, are hereby authorized to furnish, at the expense of said counties, suitable instructions in reading and writing, for one hour each evening, (except Sundays,) to all such prisoners as may be benefited by such instruction, and desirous to receive the same.

Instruction in reading and writing in prisons, &c.

SECTION 4. The sheriffs of each county are hereby authorized to furnish, according to their discretion, employ-

Employment in jails.

Proviso.

ment to all persons confined in the jails under their charge respectively, of such nature, and in such places, as they may judge best, and which are not inconsistent with the safe-keeping of said prisoners: *provided, however*, that nothing contained in this section shall be construed to require the performance of any labor by any person confined in said jails. [*Approved by the Governor, May 10, 1848.*]

Chap 325.

An Act in relation to Railroad Bridges across Charles and Mystic Rivers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Forfeiture for using any R. R. bridge across Charles or Mystic Rivers, as a wharf.

Any person or corporation, who shall use any part of any railroad bridge across Charles River, or Mystic River, as a wharf, for the purpose of laying vessels across the stream of either of said rivers, shall forfeit, for each offence, not less than fifty dollars, nor more than one hundred dollars, to be recovered by indictment, or other process, to the use of the Commonwealth. [*Approved by the Governor, May 10, 1848.*]

Chap 326.

An Act to incorporate the New England Art Union.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Corporators.

For promotion of the fine arts.

SECTION 1. James B. Gregerson, Henry W. Longfellow, Abbott Lawrence, their associates and successors, are hereby made a corporation by the name of the New England Art Union, for the purpose of promoting and facilitating the advancement of the fine arts; and, for that purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Real estate, \$10,000; personal estate, \$100,000.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate to the amount of ten thousand dollars, and personal estate to the amount of one hundred thousand dollars. [*Approved by the Governor, May 10, 1848.*]

Chap 327.

An Act relating to Railroad Plans and Profiles.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Maps of railroad routes, to be furnished by petitioners.

SECTION 1. No petition for the establishment of any railroad shall be acted upon, unless the same is accompanied with a map of the route of the proposed railroad, projected on a horizontal scale of four inches to a mile, and also with a profile of the said route, projected on a vertical scale of fifty feet to an inch.

SECTION 2. After any railroad corporation shall, by virtue of their charter, have taken any land for the purpose of their railroad, they shall, before proceeding to construct such road, furnish a plan of the land so taken to the owner thereof, and fence the same, if requested to do so by the owner or occupant of said land. [*Approved by the Governor, May 10, 1848.*]

Duty of railroad corporations in regard to land taken for road.

An Act to incorporate the Norfolk County Health Insurance Company.

Chap 328.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Stephen Bates, John J. Low, Abner Childs, their associates and successors, are hereby made a corporation, by the name of the Norfolk County Health Insurance Company, to be established in the town of Dedham, for the purpose of making insurance upon health, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, so far as the same may be applicable to this corporation.

Corporators.

Health Insurance Company in Dedham.

SECTION 2. The capital stock of said corporation shall not exceed fifty thousand dollars, and shall be divided into shares of twenty-five dollars each ; and there shall be paid into the treasury of said corporation by each subscriber to the capital stock, at the time of subscription, an instalment of five dollars on each share of the stock by him subscribed, and the remaining twenty dollars on each share so subscribed shall, within thirty days from the time of such subscription, be secured to be paid, by mortgage on real estate, or by such endorsed promissory notes as shall be approved by the directors of said corporation, and shall be payable in thirty days after demand shall have been made in some newspaper printed in the town of Dedham, or, in case no newspaper is printed in the town of Dedham, then in some newspaper published in the county of Norfolk, or the same may be made payable in regular instalments at stated periods, at the discretion of the directors.

Capital stock not to exceed \$50,000 ; shares \$25.

How paid in, and secured to be paid.

SECTION 3. Until four hundred shares have been subscribed for, and until the instalment aforesaid shall have been actually paid in, and until the residue of such subscriptions shall have been secured to be paid in the manner stated, said corporation shall have the power to insure the health of no persons, excepting subscribers to the capital stock ; but, after four hundred shares of said stock shall have been subscribed for, and paid in or secured, as required, the said corporation may exercise all the powers and privileges conferred by this act.

Subscribers only to be insured until 400 shares are subscribed, &c.

SECTION 4. The capital stock of said corporation shall be invested, at the discretion of the directors, either in loans

Investment of stock,

secured by mortgages on unincumbered real estate, of the value of at least fifty per cent. more than the amount lent thereon, or in stocks of the United States, or of the Commonwealth of Massachusetts, or of any bank in this Commonwealth, or in loans to towns. Said corporation may hold real estate, to an amount not exceeding ten thousand dollars, for the purpose of securing suitable offices for the institution.

Real estate.

Dividend of profits.

SECTION 5. The directors of said corporation shall, on the first Monday of June, annually, cause a statement to be made, and a balance to be struck, of the affairs of said corporation; and if there shall be any ascertained profits, after paying all the losses and expenses of the year preceding, and providing for all outstanding risks, they shall first set apart from said profits, and divide among the stockholders, a sum not exceeding six per cent. per annum on the amount of capital stock actually paid in, in proportion to the amount held by them respectively, if so much remain after paying said losses and expenses, and providing for said risks; and in case said dividend shall not be paid in any one year, it may be made good at a subsequent period, when the net resources of the corporation shall be sufficient for the purpose.

Profits remaining, how appropriated.

SECTION 6. After providing for risks, losses, and incidental expenses, and dividends, as is set forth in the preceding section, one half of the remaining profits, if any there be, shall be reserved by the directors, and applied toward the payment of the capital stock which shall have been subscribed before the striking of the balance of the affairs of said corporation, as aforesaid; and the other moiety of said remaining profits may be divided among the stockholders and the insured, one half among the stockholders, and the other half among the insured: *provided, however*, that said annual dividends, applications of payments on capital stock, and divisions of profits among the stockholders, shall never exceed eight per cent. per annum on the capital stock already paid in, but such surplus of profits over eight per cent., if any, shall be divided among the insured; but no dividend whatever shall be made, whereby the capital stock of said corporation, subscribed for and paid in, shall be reduced or impaired.

Provido.
Profits, &c.,
divided among
stockholders,
never to exceed
8 per cent.

Unpaid dividends to be advertised.

SECTION 7. All dividends remaining unpaid more than one year after the same have been declared, shall be advertised, by publishing the amount thereof, and the names of the persons entitled thereto, for at least three weeks, in some newspaper published in Dedham, or, in case no newspaper is published in Dedham, then in some newspaper published in the county of Norfolk; and if said dividends shall not be called for within one year from the date of such advertisement, they shall be forfeited to the corporation.

SECTION 8. The directors shall have power to require

every person, subscribing to the stock of the corporation, to effect insurance therein, either upon his own health or upon the health of some other person, for such length of time as they shall prescribe; and every person, effecting insurance in said corporation, shall have the privilege of subscribing for at least one share of said stock, until the whole number of shares authorized by this act shall be taken up; but insurance may be made and risks taken, by said corporation, at the request of applicants, without their becoming stockholders.

Subscribers may be required to effect insurance, &c.

SECTION 9. Suits at law may be maintained by any stockholder, or person insured, against said corporation, for losses or damages insured against by them, if payment shall be withheld more than thirty days after the same shall be due and payable by the terms of the policy of insurance, and after said corporation shall have been duly notified of such loss or damage; and no stockholder, or person insured, not being, in his individual capacity, a party to such suit, shall be deemed incompetent as a witness.

Suits by stockholders against corporation.

Witnesses.

SECTION 10. On some day, within the first thirty days after the expiration of two years from the time when the said company shall issue their first policy, and within the first thirty days after the expiration of every subsequent period of three years, the directors of said company shall cause to be made a general balance-statement of the affairs of said company, which shall be entered in a book prepared for that purpose. Such statement shall contain, first, the amount of premiums received during said period, and the amount of interest received from investments and loans; secondly, the amount of the expenses of said company during the same period; third, the amount of losses incurred within said term; fourthly, the balance remaining with said company; fifthly, the nature of the securities in which the said balance is invested, and the amount of cash on hand, and an account of the existing policies. The president of the company shall, within thirty days after said statement is completed, transmit a copy thereof, signed and sworn to by the president and a majority of the directors, and also by the treasurer, actuary, or secretary, to the secretary of the Commonwealth, to be by him laid before the legislature.

Balance-statement to be made periodically, exhibiting—

1st. Amount of premiums and interest.

2d. Amount of expenses.

3d. Amount of losses.

4th. Balance remaining.

5th. Nature of securities and of cash on hand.

Copy to be sent to the secretary of the Commonwealth for the legislature.

SECTION 11. Nothing contained in this act shall be so construed as to authorize said company to engage in life insurance, or in any thing save assurance upon health; nor is it permitted to insure more than four hundred dollars per annum on any one risk. [*Approved by the Governor, May 10, 1848.*]

No insurance on lives.

Not more than \$400 per annum on one risk.

Chap 329.

An Act to incorporate the Lawrence Aqueduct Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Corporators.

Aqueduct in Lawrence.

Powers of corporation as to water, dams, &c.

Water for pastures, &c.

Carrying aqueduct through highways, &c.
Proviso.

Real estate, \$12,000; personal, \$20,000. Capital stock not to exceed \$50,000; shares \$50.

Power of Lawrence in case of fire.

SECTION 1. John Tenney, Alfred Kittredge, Daniel Saunders, their associates and successors, are hereby made a body corporate by the name of the Lawrence Aqueduct Company, with authority to convey the water from Haggett's Pond, in Andover, to Lawrence, and to distribute, or sell, or lease the same in said town, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 2. The said corporation may purchase and hold the outlet of said pond, and may erect and maintain a dam or dams to raise the water in said pond, and may lay, maintain, and replace pipes to convey and distribute said water as aforesaid, and for these purposes may enter upon and open any lands, with all the privileges, and subject to all the payments, penalties, requirements and conditions, prescribed in the one hundred and sixteenth chapter of the Revised Statutes, as to said dam or dams, and as to any water-right, or free passage of alewives into said Haggett's Pond, that may be injured by said corporation; and by the fifty-sixth, fifty-seventh, and fifty-eighth sections of the thirty-ninth chapter of the Revised Statutes, as to said land, and the laying, maintaining, or replacing said pipes.

SECTION 3. The said corporation shall fix, in the dam aforesaid, at the outlet of said pond, not less than six inches below the surface of the water as raised thereby, an orifice not less than two inches in diameter, to be left at all times open for the passage of water for the use of the pastures and lands situate on the brook flowing from said pond.

SECTION 4. Said corporation may construct said aqueduct under or over any highway, way, street or railroad, provided the safe and convenient passing of teams and carriages, or locomotives, shall not be prevented thereby, and that any injury thus done to any highway, way, street or railroad, or that may be occasioned by digging up the same, shall be repaired or paid by said corporation.

SECTION 5. Said corporation may purchase and hold real estate of the value of twelve thousand dollars, and personal property of the value of twenty thousand dollars, for the purposes aforesaid; and its capital stock shall not exceed the sum of fifty thousand dollars, and shall be divided into shares of fifty dollars each.

SECTION 6. Said town of Lawrence may put conductors into the pipes of said aqueduct for the purpose of drawing therefrom, free of expense, when any building in said town shall be on fire, as much water as may be required in extinguishing the same, provided that such conductors shall be

so secured and guarded, that no water shall be drawn therefrom for any other purpose than to extinguish fires as aforesaid.

SECTION 7. If any person shall wilfully and maliciously defile or corrupt the water of said aqueduct, or shall so injure or destroy any pipe thereof, or any other fixture of the same, he shall forfeit and pay to said company, to be recovered by an action on the case, treble the amount of damages which shall appear, on the trial, to be sustained by said company, and may be further punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year. [*Approved by the Governor, May 10, 1848.*]

Malicious injury, how punished.

An Act to incorporate the Montampet Company.

Chap 330.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. Isaac Bassett, Charles Winslow, James Babb, their associates and successors, are hereby made a corporation by the name of the Montampet Company, for the purpose of erecting a public house in the town of Lynn, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

For a public house in Lynn.

SECTION 2. Said corporation may hold such real and personal property as may be necessary and convenient for the purpose aforesaid, not exceeding in amount thirty thousand dollars. If any ardent spirits, or intoxicating drinks of any kind whatever, shall be sold by said company, or by their agents, or by their lessees, or by persons in their employ, in said house, then this act shall be void. [*Approved by the Governor, May 10, 1848.*]

Real and personal estate not to exceed \$30,000.

This act to be void if ardent spirits, &c., shall be sold in the house.

An Act concerning the Compensation of the Justices and Clerk of the Police Court in Lowell.

Chap 331.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The standing justice of the police court of Lowell shall receive, out of the fees which he is now entitled by law to receive, to his own use, a sum not exceeding two thousand dollars annually, which shall be in full for his own services, for the services of the clerk of said court, whom said standing justice shall pay, and for the services of the special justice or justices of said court, who shall be paid by said standing justice, for any duties performed in their office, the same fees as justices of the peace receive in like cases.

The standing justice to receive \$2000 annually for his own services and those of the clerk and special justices.

SECTION 2. All fees to which said standing justice or

To pay over balance to

county treasurer.

special justices would be entitled, but for this act, beyond said sum of two thousand dollars annually, shall be retained by, or paid over to, the treasurer of the county of Middlesex, for the use of said county.

Oldest commissioned special justice to act in case of vacancy in office of standing justice.

SECTION 3. In case of vacancy in the office of said standing justice, the special justice whose commission shall be the oldest, shall have all the powers and perform all the duties of the standing justice, till such vacancy shall be filled; and, during such vacancy, shall receive the same compensation, and shall pay the clerk, and the other special justice, in the same way as the standing justice would if in office.

Power of police court.

SECTION 4. The exclusive jurisdiction of the crimes and offences committed within the district of Lowell shall be vested in said police court, to be exercised according to the laws of the Commonwealth.

SECTION 5. This act shall take effect from and after the thirtieth day of June next. [*Approved by the Governor, May 10, 1848.*]

Chap 332.

An Act in addition to "An Act concerning Weights, Measures, and Balances."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Commonwealth to furnish set of weights, &c., to each county, city, and town.

SECTION 1. There shall be furnished, to the treasurer of each county, and the treasurer of each city and town, in this Commonwealth, at the expense of the Commonwealth, a complete set of the standard weights, measures, and balances, such as the treasurer of each county and the treasurer of each town is required to keep, at the expense of such county, city, or town, respectively, by the provisions of the eighth section of an act passed on the twenty-third day of April, in the year one thousand eight hundred and forty-seven, and to which this act is in addition.

To be safely kept, &c., at expense of counties, cities, and towns, respectively.

SECTION 2. The treasurer of each county, and the treasurer of each city and town, shall provide, at the expense of such county, city, and town, respectively, some suitable place, in their said counties, cities, or towns, for the safe and suitable keeping and preservation of said weights, measures, and balances; and all expenses attending the boxing, putting up, transporting, and depositing in their destined locations, said weights, measures, and balances, shall be defrayed by the counties, cities, and towns, respectively.

To be under the care of treasurers respectively.

SECTION 3. The treasurer of each county, and the treasurer of each city and town, shall have the care and oversight of said weights, measures, and balances, and shall see that the same are kept in good order and repair; and, in case they are lost, destroyed, or irreparably damaged, shall replace the same by similar weights, measures, and balances; and all expenses incurred under the provisions of this section shall be defrayed by the counties, cities, and towns, respectively.

In case of loss, damage, &c.

SECTION 4. If the treasurer of any county, city, or town, shall neglect to provide a suitable place to keep the said weights, measures, and balances, or shall neglect to keep them in good order and repair, or shall suffer them to be lost, damaged, or destroyed, through his neglect, contrary to the true meaning and intent of this act, he shall forfeit the sum of two hundred dollars, to be recovered by indictment to the use of the Commonwealth.

Forfeiture in case of refusal, &c., of treasurers.

SECTION 5. Every town and city treasurer shall, once at least in ten years, at the expense of the town or city, have the town or city standards of weights, measures and balances, tried, adjusted and sealed, by the treasurer of the county in which the city or town is situated, or by the treasurer of the Commonwealth, or his deputy; and every town or city treasurer, who shall neglect to have the standards under his charge, sealed as herein provided, shall forfeit to the use of the Commonwealth a sum not exceeding fifty dollars.

Standards to be adjusted and sealed once in ten years, under a penalty of fifty dollars for neglect.

SECTION 6. So much of the eighth section of an act, entitled "An Act concerning weights, measures, and balances," and to which this act is in addition, as provides that certain weights, measures, and balances, named in that act, shall be provided and kept at the expense of the counties, cities, or towns, is hereby repealed, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Approved by the Governor, May 10, 1848.*]

Clause of former act repealed.

RESOLVES

PASSED BY THE

Legislature of Massachusetts.

Chap. 1.

RESOLVE for the Auditing and Settlement of certain Accounts.

Governor and council to audit accounts of commissioners on the militia.

Resolved, That the governor and council be authorized to audit, and draw a warrant for the pay roll of the commissioners appointed pursuant to a "Resolve providing for the appointment of a Board of Commissioners on the Laws concerning the Militia," passed on the twenty-sixth of April, eighteen hundred and forty-seven. [*Approved by the Governor, Jan. 21, 1848.*]

Chap. 2.

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenue.

Treasurer to borrow and pay money, &c.

Resolved, That the treasurer of this Commonwealth be, and he hereby is, authorized to borrow, in anticipation of the receipts of the present year, of any of the banks of this Commonwealth, or of any corporation therein, or of any individual or individuals, such sum or sums of money as may, from time to time, be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court; and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided*, however, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of two hundred thousand dollars. [*Approved by the Governor, Jan. 26, 1848.*]

The whole sum borrowed not to exceed \$200,000 at any time.

Chap. 3.

RESOLVE for furnishing the County of Nantucket with the State Map.

Secretary to furnish two maps of the

Resolved, That the secretary of the Commonwealth be, and he is hereby, directed to furnish the county of Nantucket with two copies of the State map, to supply the place

of those destroyed by fire, in the month of July, in the year one thousand eight hundred and forty-six. [Approved by the Governor, Feb. 16, 1848.] State to Nan-tucket.

RESOLVE to pay for procuring Copies of Documents from the Public Offices of France.

Chap. 4.

Resolved, That, in addition to previous appropriations for procuring copies of documents from the public offices of France, illustrative of the colonial and provincial history of this Commonwealth, there be appropriated the sum of fourteen hundred and sixty dollars for that purpose; and that the governor be authorized and requested, upon the satisfactory completion of the work, to draw his warrant upon the treasurer, in favor of Benjamin Perley Poore, the agent employed for this purpose under the resolve passed on the twenty-third day of January, in the year one thousand eight hundred and forty-five, for the above sum of fourteen hundred and sixty dollars, which shall be in full satisfaction of all moneys expended by him, and all labor performed by him, in the execution of that agency, to its completion. [Approved by the Governor, Feb. 17, 1848.]

\$1460, for documents from France.

RESOLVE on the Petition of the Selectmen of the Town of Danvers, for Reimbursement of Money paid for Military Services.

Chap. 5.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Danvers, the sum of one hundred and seventy-three dollars, in full for money paid in the year one thousand eight hundred and forty-seven for militia bounty, and that a warrant be drawn accordingly. [Approved by the Governor, Feb. 28, 1848.]

Militia bounty, \$173, to Danvers.

RESOLVE on the Petition of George Stacey.

Chap. 6.

Resolved, That the said George Stacey, for the reasons set forth in his said petition, be authorized to hold and dispose of the parcel of land mentioned and described in his said petition, free and clear of any claim of the Commonwealth thereto; to wit: a certain parcel of land, situate in the South Parish of Reading, in the county of Middlesex, and Commonwealth aforesaid, described substantially as follows: on the easterly side of the Medford and Andover Turnpike Road, containing one acre, and bounded, beginning at the north-west corner, by said road; thence south, by said road, twelve rods; thence south, seventy-six degrees east, by land of the heirs of Edmund Parker, deceased, thirteen rods, eight and one third links, to a stake and stones; thence north, fourteen degrees east, twelve rods, to a stake and stones; thence north, seventy-six degrees west, by land of said deceased, thirteen rods, eight and one third links, to said turnpike road, the first-mentioned bound. [Approved by the Governor, Feb. 28, 1848.]

Claim of Commonwealth to land of George Stacey released.

Chap. 7. RESOLVE on the Petition of the Overseers of the Poor of the Town of Ipswich.

Ipswich allowed
§141 48.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to the treasurer of the town of Ipswich, the sum of one hundred and forty-one dollars and forty-eight cents, in full discharge of the account of said town, for attendance and supplies rendered, in the year one thousand eight hundred and forty-seven, to certain persons, non-residents within the state, sick with the small-pox; and that a warrant be drawn accordingly. [*Approved by the Governor, Feb. 29, 1848.*]

Chap. 8.

Allowance to
Saugus for
paupers, §33 4.

RESOLVE on the Petition of Benjamin F. Newhall, for allowance of a Pauper Account to the Town of Saugus.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Saugus, the sum of thirty-three dollars and four cents, in full discharge of said account, and that a warrant be drawn accordingly. [*Approved by the Governor, March 3, 1848.*]

Chap. 9.

Wife of David
Rathbun author-
ized, being a
minor, to join
with her hus-
band in con-
veying real es-
tate, devised to
her by her
father.

RESOLVE on the Petition of David Rathbun and Wife.

Resolved, for reasons set forth in said petition, that Adaline B. Rathbun, a minor, under the age of twenty-one years, and wife of David Rathbun, is hereby empowered to join with her said husband, in executing any deed or deeds of certain real estate, situate in Springfield, devised to said Adaline B., by her father, Chester Cooley, late of said Springfield, deceased, testate, described as follows, to wit: That portion of the wood-lot adjoining Bircham, commencing at a stake standing at the north-west corner of land set off to the children of Emeline Gasner, and running northerly on the west line of the east branch of said lot, thirty-six rods and ten links, to a corner of said lot, near the north side of a swamp; thence, east sixteen degrees north, thirteen rods, to a corner of said lot; thence, south nine links, to a stake standing at the south-west corner of land set off to widow Cynthia Cooley; thence, easterly on a line of marked trees, by land of said Cynthia, to the east line of said lot; thence, southerly on the east line thereof, forty-two rods, to land set off to the children of Emeline Gasner, aforesaid; thence, west two degrees north, on a line of marked trees, by land of said children, thirty-four rods and twenty links, to the first-mentioned corner, containing nine acres of land more or less: and any deed or deeds, duly executed by said Adaline B., jointly with her said husband, of the above-described real estate, shall be good and sufficient in law, and as effectual to convey her interest and estate in the premises therein described, as if she were of full age. [*Approved by the Governor, March 3, 1848.*]

RESOLVE on the Petition of the Trustees of the State Lunatic Hospital.

Chap. 10.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to the treasurer of the state lunatic hospital, for the support of state lunatic paupers, the sum of four hundred and forty-two dollars and forty-eight cents; and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, March 13, 1848.*]

\$442 48, allowed for state lunatic paupers.

RESOLVE on the Petition of David P. Billings.

Chap. 11.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to David P. Billings, of Ware, in the county of Hampshire, for the arrest of a fugitive from justice, the expenses thus incurred, amounting to the sum of one hundred and eighteen dollars; and that the governor draw his warrant therefor. [*Approved by the Governor, March 15, 1848.*]

\$118 to David P. Billings, for arresting a fugitive from justice.

RESOLVE for the payment of certain Pauper Accounts.

Chap. 12.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several corporations and persons mentioned in the accompanying roll, the sum of seventy-five thousand and eighteen dollars twenty-nine cents in full discharge of the accounts to which it refers; and that a warrant be drawn accordingly: *provided*, that all payments made under this resolve shall be made upon the condition, that the cities, towns, and individuals, so receiving the same, shall respectively refund to the treasurer of the Commonwealth such sums as shall be found to have been illegally charged in the accounts upon which such payments are made. [*Approved by the Governor, March 18, 1848.*]

For the support of paupers, \$75,018,29.

RESOLVE on the Petition of the Overseers of the Poor of the Town of Chelsea.

Chap. 13.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Chelsea, the sum of ninety-five dollars and nine cents, in full discharge of all claims by said town, for the support of state paupers, for the year one thousand eight hundred and forty-six; and that a warrant be drawn accordingly. [*Approved by the Governor, March 18, 1848.*]

For state paupers in 1846, \$95 09 to Chelsea.

RESOLVE on the Petition of the Trustees of the Massachusetts Charitable Eye and Ear Infirmary.

Chap. 14.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, the sum of two thousand dollars per annum to the trustees of the Massachusetts Eye and Ear Infirmary, for the term of five years from the fourteenth day of April

\$2,000 per annum for five years.

next, in aid of the charitable purposes of said infirmary; and that warrants be drawn accordingly. [*Approved by the Governor, March 22, 1848.*]

Chap. 15. RESOLVE on the Petition of the Overseers of the Poor of the Town of Hancock.

§34 68 to Hancock for state pauper.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to the town of Hancock, for expenses incurred by said town for the support of one Peter Crocker, a state pauper, now deceased, the sum of thirty-four dollars and sixty-eight cents, in full; and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, March 22, 1848.*]

Chap. 16. RESOLVE on the Petition of the School Committee of the Town of Southampton.

To Southampton its share of school fund for 1846.

Resolved, That there be reserved, out of the present year's income of the school fund, for the benefit of the town of Southampton, a sum equal to that which said town would have received from the income of the same for the last year, if the returns of said town had been fully made; and that the sum so reserved be added to the share, if any, to which said town may be entitled in the present year's income of said fund. [*Approved by the Governor, March 22, 1848.*]

Chap. 17. RESOLVE on the Petition of the Selectmen of the Town of Stockbridge.

§25 55 for a state pauper.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Stockbridge, the sum of twenty-five dollars and fifty-five cents, in full discharge of all claims by said town for the support of Nancy Duncan, late a state pauper, deceased; and that a warrant be drawn accordingly. [*Approved by the Governor, March 24, 1848.*]

Chap. 18. RESOLVE for Repairs on the State House.

§1000 for repairs on state house.

Resolved, That the sum of one thousand dollars be appropriated for making necessary repairs upon the state house, and that the same be expended under the direction of the sergeant-at-arms, the accounts thereof to be audited and paid agreeably to the provisions of the act passed on the eighteenth day of March, in the year one thousand eight hundred and forty-one, entitled "An Act relating to the State House." [*Approved by the Governor, March 31, 1848.*]

Chap. 19. RESOLVE concerning the State Reform School Buildings.

§21 000 for completing and

Resolved, That, for the purpose of completing the reform school buildings, and furnishing the same for the superintendent, steward, and one hundred boys, in addition to

former appropriations, there be hereby appropriated the sum of twenty-one thousand dollars; and the governor, with the advice and consent of the council, is hereby authorized to draw his warrant therefor on the treasurer of this Commonwealth, in favor of the commissioners for erecting said buildings. [*Approved by the Governor, April 1, 1848.*]

furnishing the school buildings.

RESOLVE for Payment to the Widow of the late Samuel Hubbard, Associate Justice of the Supreme Judicial Court.

Chap. 20.

Resolved, That there be paid to the widow of the late Samuel Hubbard, one of the associate-justices of the supreme judicial court, out of the treasury of the Commonwealth, such sum of money as would have been due to him, had he continued to discharge the duties of his office from the time of his decease to the first day of April of the present year; and that his excellency the governor draw his warrant therefor. [*Approved by the Governor, April 1, 1848.*]

Quarter's pay to widow of Mr. Justice Hubbard.

RESOLVE granting Taxes for the several counties.

Chap. 21.

Resolved, That the sums placed against the names of the several counties in the following schedule are hereby granted, as a tax for each county respectively, to be assessed, paid, collected, and applied, according to law, viz:—county of Essex, thirty-two thousand six hundred dollars; county of Middlesex, fifty-nine thousand six hundred and seventy-five dollars; county of Worcester, thirty-five thousand dollars; county of Hampshire, nine thousand dollars; county of Hampden, fourteen thousand five hundred dollars; county of Franklin, eight thousand five hundred dollars; county of Berkshire, fifteen thousand dollars; county of Norfolk, seventeen thousand five hundred dollars; county of Plymouth, twelve thousand dollars; county of Bristol, twenty-five thousand dollars; county of Barnstable, six thousand five hundred dollars; county of Dukes, two thousand five hundred dollars. [*Approved by the Governor, April 5, 1848.*]

RESOLVE on the Petition of I. J. Wetherbee, Pastor of the First Free-will Baptist Society in Charlestown.

Chap. 22.

Resolved, for reasons set forth in said petition, that the said I. J. Wetherbee, pastor of the first freewill baptist society in Charlestown, or his successor in the said office, is hereby authorized and empowered to convey, to the said first freewill baptist society, discharged from all trusts and conditions, in fee simple or otherwise, by suitable deed or deeds, all that property, situate in said Charlestown, which he now holds in trust, for the use of said first freewill baptist society, under a deed of James Hurd and others, dated March

Authorized to convey, in fee, property held in trust.

the second day, in the year one thousand eight hundred and thirty-nine. [*Approved by the Governor, April 5, 1848.*]

Chap. 23.

RESOLVE for furnishing certain Towns with the Law Reports, Revised Statutes, General and Special Laws, and Map of the Commonwealth.

New towns to be furnished with all volumes, &c., to which towns are entitled.

Resolved, That the secretary of the Commonwealth be, and he is hereby, directed to furnish each of the towns which have been incorporated since the year one thousand eight hundred and thirty-seven, and which have not already been so furnished, and also each town which may hereafter be incorporated, with complete sets of the Massachusetts Reports, Pickering's Reports, and Metcalf's Reports, also with a copy of the Revised Statutes, and copies of such of the general and special laws of the Commonwealth as he may have in his office, and, also, with a copy of the state map. And the secretary is hereby authorized to purchase such of the reports aforesaid as may be necessary to carry into effect this resolve; and his excellency the governor is hereby authorized to draw his warrant for the cost of the same, accordingly. [*Approved by the Governor, April 5, 1848.*]

Secretary authorized to purchase law reports, if necessary.

Chap. 24.

RESOLVE on the Petition of Hiram L. Poland.

\$850 allowed to H. L. Poland, of Winchendon.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to Hiram L. Poland, of Winchendon, in the county of Worcester, for injuries received at a military review, and by the explosion of a musket furnished by the Commonwealth, the sum of eight hundred and fifty dollars in full for injuries so received; and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, April 17, 1848.*]

Chap. 25.

RESOLVE on the Petition of the Board of Health of the Town of Somerville.

\$195 93 to Somerville on ship-fever account.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Somerville, the sum of one hundred and ninety-five dollars and ninety-three cents, in full for expenses incurred on account of alien paupers infected with ship-fever, and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, April 18, 1848.*]

Chap. 26.

RESOLVE on the Petition of the North Baptist Society in Dorchester.

To render valid proceedings of the society.

Resolved, for the reasons set forth in said petition, that the time during which the clerk of said society is authorized to leave, with the town clerk of the town of Dorchester, a copy of the record of the proceedings of the meeting at which the said society was organized as a corporation, be extended to the expiration of ten days from the time when this resolve shall be approved by the governor; and if the

said copy of the record of proceedings be left with the said town clerk, to be recorded within the said period, then all the proceedings of said society shall be held valid, in the same manner as if the copy of the said record had been left with the town clerk within ten days after the meeting at which the said society was organized as a corporation. [*Approved by the Governor, April 18, 1848.*]

RESOLVE on the Petition of the Board of Health of the Town of Danvers.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Danvers, the sum of seventy-one dollars and eighty-two cents, in full for expenses incurred in providing for and supporting William Gordon, while sick and infected with ship-fever; and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, April 18, 1848.*]

Chap. 27.

§71 82 to Danvers on ship-fever account.

RESOLVE on the Petition of the Guardian of the Punkapog Indians.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of the Commonwealth, to Thomas French, guardian of the Punkapog Indians, the sum of seventy dollars and seventy-two cents, and that the governor draw his warrant therefor accordingly. [*Approved by the Governor, April 20, 1848.*]

Chap. 28.

§70 72 to Thos. French, guardian of Punkapog Indians.

RESOLVE relating to the Marshpee Indians.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Charles Marston, commissioner and treasurer of the district of Marshpee, the sum of four hundred and thirty-four dollars and fifty-six cents, for the support of state paupers, for the year ending November the first, eighteen hundred and forty-seven; and that a warrant be drawn accordingly. [*Approved by the Governor, April 20, 1848.*]

Chap. 29.

§434 56 to C. Marston, for Marshpee Indians.

RESOLVE on the Petition of the School Committee of the Town of Barnstable.

Resolved, That there be reserved, out of the present year's income of the school fund, for the benefit of the town of Barnstable, a sum equal to what the town would have received from the income of the same, for the last year, if the returns of the town had been received at the office of the secretary of state within the time allowed by law to the school committees of the towns and cities in the Commonwealth for making their returns; and that the sum so reserved be added to the share, if any, to which the said town of Barnstable may be entitled, in the present year's income of said fund. [*Approved by the Governor, April 20, 1848.*]

Chap. 30.

Allowance to Barnstable of its share of school fund for 1846.

Chap. 31.

RESOLVE on the Petition of Daniel Davis.

§22 74 to D.
Davis for Dud-
ley Indians.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Daniel Davis, of Webster, the sum of twenty-two dollars and seventy-four cents, in full for medicine and medical attendance for several of the Dudley Indians, to December first, in the year one thousand eight hundred and forty-seven, and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, April 20, 1848.*]

Chap. 32.

RESOLVES concerning the Construction of a Railroad from Lake Michigan to the Pacific Coast.

Railroad to Pa-
cific Ocean.

Resolved, That a railroad from Lake Michigan to the Pacific Coast is highly desirable, and, if practicable, should be constructed.

Resolved, That it would be suitable and proper to appropriate to the object of constructing such a road, a part of the public lands along the line of its route, so that the sale and settlement of those lands may be connected with the construction of the road.

Resolved, That this subject be respectfully commended to the attention of our senators and representatives in Congress. [*Approved by the Governor, April 20, 1848.*]

Chap. 33.

RESOLVE in favor of the Chappequiddic and Christiantown Indians.

§43 24 to L.
Thaxter for sup-
port of Thomas
Laton.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Leavitt Thaxter, guardian of the Indians at Chappequiddic and Christiantown, the sum of forty-three dollars and twenty-four cents for moneys already expended in support of Thomas Laton, and also the further sum of fifty dollars, for the future support of said Laton; and that the governor draw his warrant therefor, accordingly. [*Approved by the Governor, April 20, 1848.*]

Chap. 34.

RESOLVE relating to the Fall River Indians.

§214 66 to H.
Wordell, for
Fall River In-
dians.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Holder Wordell, guardian of the Fall River Indians, the sum of two hundred and fourteen dollars and sixty-six cents, being for the balance of said guardian's account, approved by the judge of probate for the county of Bristol on the fourth day of January, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, April 21, 1848.*]

Chap. 35.

RESOLVE on the Petition of Otis Vinal.

Sale of real es-
tate made valid.

Resolved, for reasons set forth in said petition, that the sale of certain real estate, belonging to George Carleton, situated in Charlestown, in the county of Middlesex, bounded northerly by land of Kendall Bailey, and being

the same estate formerly set off to Elizabeth Carleton, which was made by said Otis Vinal, as guardian of said George Carleton, at public auction, on the sixth day of June, in the year one thousand eight hundred and forty-four, to one William B. Sawyer, be, and hereby is, confirmed, and made valid and effectual to convey said real estate. [*Approved by the Governor, April 21, 1848.*]

RESOLVE in favor of the Town of Nantucket.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Nantucket, the sum of two hundred and twelve dollars and fifty-four cents, being the amount paid by the town of Nantucket to the trustees of the state lunatic hospital, for the support of Mary Cameron; also, the further sum of fifty-one dollars and ten cents, for the support of John Weston, a state pauper, for two years, ending November thirtieth, eighteen hundred and forty-seven; and that a warrant be drawn accordingly. [*Approved by the Governor, April 21, 1848.*]

Chap. 36.

§263 64, to Nantucket, on State pauper account.

RESOLVE for furnishing the Town of Fall River with certain Books.

Resolved, That the secretary of the Commonwealth be, and he is hereby, directed to furnish the town of Fall River with copies of such volumes and pamphlets of the Laws and Resolves of the Commonwealth, passed before the third day of July, of the year one thousand eight hundred and forty-three, as now are in, or may come into, his office, to supply the place of those destroyed on that day by fire. [*Approved by the Governor, April 21, 1848.*]

Chap. 37.

Books lost by fire in Fall River to be replaced.

RESOLVE on the Petition of the Barnstable County Agricultural Society.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to the Barnstable County Agricultural Society, the sum of three hundred and twenty-two dollars, being the same sum to which said society would have been entitled, had a return been seasonably made; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 21, 1848.*]

Chap. 38.

§322 to Barnstable Agricultural Society.

RESOLVE on the Petition of E. M. P. Wells and others.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of this Commonwealth, to Hannah S. Sargent, of Boston, in the county of Suffolk, widow of George Sargent, deceased, and for her sole use and benefit, the sum of two hundred and fifty dollars, and that a warrant be drawn accordingly. [*Approved by the Governor, April 24, 1848.*]

Chap. 39.

§250 to widow of George Sargent, late assistant watchman of the state-house.

Chap. 40.

RESOLVE on the Petition of Peter Clark.

Administrator
of estate of Am-
brose Clark
authorized to
file affidavit and
notice, &c.

Resolved, for reasons set forth in said petition, that Peter Clark, of Tewksbury, in the county of Middlesex, administrator of the estate of Ambrose Clark, late of said Tewksbury, deceased, be hereby authorized to make and file, in the probate office for said county, within six months after the passage of this resolve, an affidavit, such as is prescribed in the case of administrators and executors by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of the real estate of said deceased, situate in said county; said sale having been made by said administrator, under a license granted by the court of probate holden at Cambridge on the twelfth day of January, in the year eighteen hundred and forty-one: *provided*, that the said Peter Clark shall, first, give such notice as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice: *and provided* that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed: and such affidavit and copy of notice, thus filed, shall be as effectual, for all purposes, as if the same had been filed within the time required by law. [*Approved by the Governor, April 25, 1848.*]

Proviso.

Proviso.

Chap. 41.

RESOLVE on the Accounts of the Land Agent.

Discharged
from the pay-
ment of
\$107,654 05.

Resolved, That George W. Coffin, land agent of the Commonwealth for selling the public lands in the State of Maine, be, and he is hereby, discharged from the payment of the sum of one hundred and seven thousand six hundred and fifty-four dollars and five cents, the sum specified as received in his account, as rendered from the first day of January, in the year one thousand eight hundred and forty-seven, to the first day of January, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, April 25, 1848.*]

Chap. 42.

RESOLVES in aid of the State Reform School.

\$10,000 appro-
priated con-
ditionally.

Resolved, That, whenever the trustees of the State Reform School shall certify to the governor and council that the sum of ten thousand dollars has been paid into their hands, then a like sum of ten thousand dollars shall be paid from the treasury of the Commonwealth; which said sums, united, shall constitute a fund, the income of which shall be expended, at the discretion of the trustees, for the benefit of the State Reform School.

\$8,000, ad-
ditional, for
buildings, farm
stock, &c.

Resolved, That the farther sum of eight thousand dollars shall be paid to the said trustees of the State Reform School, for the erection and repairs of farm-buildings, for purchase of farm-stock and farming implements, for payments of salaries, and for purchase of clothing for the institution, and

that warrants be drawn for the above purposes accordingly. [*Approved by the Governor, April 25, 1848.*]

RESOLVE upon the Petition of William Dehon and others, and Henry K. Burguyn and Wife.

Chap. 43.

Resolved, for the reasons set forth in said petitions, that the decrees of the court of probate for the county of Norfolk, dividing the estates of David S. Greenough, John Greenough, and Jane D. Greenough, of said county, deceased, and the decree, appointing the trustee under the will of said John Greenough, be, and the same are, hereby confirmed, so far as such decrees divided and distributed the property of the estates aforesaid among the heirs and legatees of the same, named in the above petitions; and that the respective titles of such heirs and legatees be, and the same are, hereby confirmed. And Henry K. Burguyn, Anne G. Burguyn, and the present and any future trustees of said Anne, interested in said estates, are hereby authorized to confirm all titles heretofore made by them, or either of them, in accordance with the trusts of any portion of said estates decreed to the said Anne, by the said court of probate. [*Approved by the Governor, April 25, 1848.*]

Decrees of judge of probate in Norfolk confirmed.

RESOLVE on the Petition of the Trustees of the Grammar School in the easterly part of Roxbury.

Chap. 44.

Resolved, for reasons set forth in said petition, that said trustees be, and they are hereby, authorized to release and convey in fee, by deeds duly executed, all, or any parts, of the lands and real estate belonging to, or held by, said trustees, under the will of Thomas Bell, and which said trustees have heretofore leased for terms of years; and that all deeds and grants of lands and real estate, by said trustees heretofore made, and executed under said will, be, and the same are, hereby confirmed and made valid; and said trustees are hereby directed, and required, to invest the proceeds of sales of all or any of said lands, as soon as conveniently may be after such sales, in other real estate, in railroad stocks in Massachusetts, in state or United States stocks, or to loan the same upon bonds and mortgages, according to the discretion of said trustees, and to appropriate the income thereof for the uses and purposes expressed in said will. [*Approved by the Governor, April 25, 1848.*]

Authorized to convey in fee certain lands.

Investment of proceeds of sales.

RESOLVE on the Petition of the Berkshire County Agricultural Society.

Chap. 45.

Resolved, for reasons set forth in said petition, that the president and treasurer of the Berkshire County Agricultural Society be allowed to amend their return, made to the secretary's office in January, in the year one thousand eight hundred and forty-eight, at any time on or before the

Authorized to amend return.

first day of June next, by filing a certificate, under oath, of the amount of their funds. [*Approved by the Governor, April 26, 1848.*]

Chap. 46.

RESOLVE on the Petition of the County Commissioners of the County of Norfolk.

Relieved from penalty.

Resolved, That, for reasons set forth in said petition, that the penalty incurred by said commissioners, by their neglect to make a return of the map of said county, according to the provisions of the two hundred and forty-first chapter of the acts of the year one thousand eight hundred and forty-six, be remitted them. [*Approved by the Governor, April 26, 1848.*]

Chap. 47.

RESOLVE on the Petition of Trueworthy Keyes.

Executor of will of Stephen A. Keyes authorized to file affidavit and notice.

Resolved, for reasons set forth in said petition, that Trueworthy Keyes, of Westford, in the county of Middlesex, executor of the last will and testament of Stephen A. Keyes, late of said Westford, deceased, be hereby authorized to make, and file in the probate office of the county of Middlesex, within six months after the passage of this resolve, an affidavit, such as is prescribed, in the case of executors and administrators, by the sixteenth section of the seventy-first chapter of the Revised Statutes, together with a copy of the notice of the time and place of sale of certain real estate, situate in said town of Westford, belonging to the estate of said deceased, said sale having been made by said executor under a license granted by the court of probate holden at Cambridge on the eighteenth day of March, in the year one thousand eight hundred and forty-five: *provided*, that the said Trueworthy Keyes shall first give such notice, as the judge of probate for said county shall order, of his intention to file such affidavit and copy of notice: *and provided*, that, in the judgment of said judge of probate, no sufficient cause be shown why the same may not be filed: and such affidavit and copy of notice, thus filed, shall be as effectual, for all purposes, as if the same had been filed within the time required by law. [*Approved by the Governor, April 29, 1848.*]

Proviso.

Proviso.

Chap. 48.

RESOLVE on the Petition of the Bristol County Agricultural Society.

To amend return for 1848.

Resolved, for reasons set forth in said petition, that the president and treasurer of the Bristol County Agricultural Society be allowed to amend their return made to the secretary's office in January, in the year one thousand eight hundred and forty-eight. [*Approved by the Governor, May 2, 1848.*]

Chap. 49.

RESOLVE on the Petition of Thomas Dixon.

To refund \$119 to Thomas Dixon.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to

Thomas Dixon, of Boston, attorney of August Eimke, of Flensburg, in Denmark, trustee and guardian of Jonas Peterson, deceased, the sum of one hundred and nineteen dollars, in full for the amount paid into the treasury of the Commonwealth, on the twenty-eighth day of September, in the year one thousand eight hundred and forty, by a decree of the court of probate; and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 2, 1848.*]

RESOLVE on the Petition of the Inhabitants of the Town of Cummington.

Resolved, That there be reserved, out of the present year's income of the school fund, for the benefit of the town of Cummington, a sum equal to what that town would have received from the income of the same for the year one thousand eight hundred and forty-three, if the returns of that town had been received at the office of the secretary of state within the time allowed, by law, to the school committees of the towns and cities of the Commonwealth, for making their returns; and that the sum so reserved be added to the share, if any, to which the said town of Cummington may be entitled, in the present year's income of said fund. [*Approved by the Governor, May 3, 1848.*]

Chap. 50.

To receive share of school fund for 1843.

RESOLVE to pay for Fuel, and for other purposes.

Resolved, That there be paid, out of the treasury of this Commonwealth, to the sergeant-at-arms to the general court, the sum of twenty-five hundred dollars, to enable him to purchase fuel and other necessary articles, for the use of the general court and the several offices in the state-house; and that warrants be drawn accordingly. [*Approved by the Governor, May 3, 1848.*]

Chap. 51.

To sergeant at arms \$2500 allowed for purchase of fuel for the state-house.

RESOLVE to pay the Doorkeepers, Messengers, and Pages, of the Senate and House of Representatives.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the doorkeepers and messengers of the senate and house of representatives, the sum of two dollars each per day, and to the pages of the senate and house of representatives, each, the sum of one dollar and fifty cents per day, for each and every day's attendance during the present session of the legislature; and that warrants be drawn accordingly. [*Approved by the Governor, May 3, 1848.*]

Chap. 52.

To doorkeepers and messengers \$2 per day; to pages, \$1 50 per day.

RESOLVE to pay the Assistant Messenger to the Governor and Council.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the assistant messenger to the governor and council, the sum of two dollars for each and every day he has been, or may be, employed in

Chap. 53.

To assistant messenger of governor and council, \$2 per day.

that capacity, during the sessions of the council the present political year, and that warrants be drawn accordingly. [Approved by the Governor, May 3, 1848.]

Chap. 54.

RESOLVE on the Petition of William Ingalls, and others.

Division, &c.,
of estate of
John Brazer,
deceased, con-
firmed.

Resolved, That, for reasons set forth in the said petition, the division and partition of the real and personal estate of John Brazer, late of Boston, in the county of Suffolk, deceased, returned to the probate court for said county of Suffolk, and accepted by a decree thereof passed on the twenty-second day of September, in the year one thousand eight hundred and twenty-eight, be hereby ratified, confirmed, and established, and that the same be forever hereafter deemed and taken to be legal and binding, upon all persons and to all intents and purposes whatsoever. [Approved by the Governor, May 3, 1848.]

Chap. 55.

RESOLVE on the Petition of Sarah W. Hale.

Petitioner au-
thorized to sell
certain real es-
tate : resolves
1845, ch. 91.

Investment of
proceeds by
trustee, &c.,

Petitioner to
give bonds.

Trustee to give
bonds.

Resolved, for the reasons set forth in said petition, that the said Sarah W. Hale be, and she is hereby, authorized and empowered to sell, at any time, at public or private sale, at her discretion, all the real estate described in a resolve of the legislature of Massachusetts, passed on the eighteenth day of March, in the year one thousand eight hundred and forty-five, being chapter ninety-one of resolves of that year, which has not been sold under the authority of the same. And the said Sarah shall pay over the proceeds of said sales to the surviving trustee, appointed in and by the last will and testament of Moses Brown, Esquire, late of Newburyport, in the county of Essex, deceased ; and the said trustee shall hold and invest the same, to the same uses, and ultimate disposal, as is provided in said will respecting the real estate above referred to : *provided*, that the said Sarah W. Hale shall give satisfactory bonds to the judge of probate for the county of Essex, before any sale shall be made under this resolve, that she will faithfully execute the power hereby committed to her, and will pay over said proceeds, in full, to said trustee, immediately after receiving the same : *and provided, also*, that the said trustee shall first give satisfactory bonds, to the said judge of probate, that he will faithfully execute the powers hereby granted to him : *and provided, further*, that whenever the proceeds of sales of said real estate shall amount to the sum of ten thousand dollars, new bonds, with new sureties, shall be given to the judge of probate aforesaid, by the said Sarah W. Hale, and also by the said trustee, before any further sales shall be made. And whenever the said proceeds of sales shall amount to twenty thousand dollars, then other new bonds, with new sureties, shall be given as above

stated; and so on, as often as there shall be sales made amounting to an additional ten thousand dollars; in any case, new bonds shall be required, as above, before any further sales shall be made. And no sale under this resolve shall be valid, unless the above conditions are fully complied with. [*Approved by the Governor, May 6, 1848.*]

Conditions under which new bonds shall be given by petitioner and trustee.

RESOLVE in favor of the County of Norfolk.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the county of Norfolk, the sum of two hundred and seventy-three dollars and ninety-three cents, in full for the support of William Broadbent, an insane state pauper, to the thirty-first day of December, in the year one thousand eight hundred and forty-seven; and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 6, 1848.*]

Chap. 56.

§273 93, for support of an insane pauper.

RESOLVE in favor of the Town of Randolph.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the treasurer of the town of Randolph, the sum of eighty-nine dollars, in full for expenses incurred for certain state paupers infected with ship-fever, as set forth in the account rendered; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 8, 1848.*]

Chap. 57.

§89, for state paupers.

RESOLVE on the Petition of Abijah Harrington.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Abijah Harrington, of Lexington, in the county of Middlesex, for revolutionary services, the sum of seventy-five dollars per annum during his natural life, said sum to be paid annually, on or after the first day of June, and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 8, 1848.*]

Chap. 58.

Abijah Harrington, of Lexington allowed §75 per annum, for revolutionary services.

RESOLVE for the pay of the Clerks of the Legislature.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the clerk of the senate and the clerk of the house of representatives, each, the sum of ten dollars per day; and to the assistant clerk of the senate and the assistant clerk of the house of representatives, each, the sum of six dollars per day, for each and every day they have been, or may be, employed in that capacity, during the present session of the legislature; and that there be further paid to the clerk of the senate and to the clerk of the house of representatives, the sum of one hundred dollars each, for copying the journals for the library, as required by the orders of the two houses, and that

Chap. 59.

To clerks, §10 per day; to assistants §6 per day.

For copying journals, §100 to each clerk.

warrants be drawn accordingly. [*Approved by the Governor, May, 8, 1848.*]

Chap. 60.

RESOLVE on the Petition of Michael Quinn.

Rights of Commonwealth by escheat to lands in Springfield granted to Michael Quinn.

Resolved, for the reasons set forth in said petition, that all the rights which this Commonwealth has acquired, or may acquire, by escheat, in and to certain real estate, situated in Springfield, in the county of Hampden, viz: the real estate described in the deed of William Child to Peter Quinn, dated on the fifteenth day of July, in the year one thousand eight hundred and thirty-nine, and registered in book one hundred and third, at page four hundred and ninety-fourth of the registry of deeds, for said county; also, in the deed of Lydia Sargeant to Peter Quinn, dated on the first day of September in the year one thousand eight hundred and thirty-eight, and registered in said registry, in book one hundred and sixth, at page one hundred and eighty-first; also, in the deed of Justice Willard to Peter Quinn, dated on the twentieth day of September in the year one thousand eight hundred and thirty-eight, and recorded in said registry, in book one hundredth, and at pages three hundred and ninety-sixth and three hundred and ninety-seventh; also, in the deed of John B. Dwelly to George Colton, dated on the third day of November in the year one thousand eight hundred and thirty-two, and recorded in said registry, in book one hundred and first, at page one hundred and sixty-seventh, be, and the same hereby are, granted to said Michael Quinn. [*Approved by the Governor, May 8, 1848.*]

Chap. 61.

RESOLVE for the pay of the Council, Senate, and House of Representatives.

To members of council, senate, and house of representatives, \$2 per diem; and for travel \$2 for ten miles.

Resolved, That there be paid, out of the treasury of this Commonwealth, to each member of the senate and house of representatives, two dollars for each and every day's attendance during the present political year, and the sum of two dollars for every ten miles travel, from their respective places of abode, once in each session, to the place of the sitting of the general court; and also to each member of the council two dollars per day for each day's attendance at that board, at every session thereof during the present political year, and the sum of two dollars for every ten miles travel from their respective places of abode, once in each session thereof. And to the president of the senate, and the speaker of the house of representatives, each, the sum of two dollars per day, for each and every day's attendance, in addition to their pay as members; and that warrants be drawn accordingly. [*Approved by the Governor, May 8, 1848.*]

RESOLVE in favor of the City of Lowell.

Chap. 62.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the city of Lowell, the sum of twelve hundred and twenty-two dollars and forty-three cents, in full for expenses incurred for state paupers sick with contagious disease for the year ending December thirty-first, one thousand eight hundred and forty-seven, and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 8, 1848.*]

\$1222 43 to
Lowell on sick
state pauper
account.

RESOLVE relating to the Dudley Indians.

Chap. 63.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Amos Shumway, guardian of the Dudley Indians, one hundred and ninety-one dollars and ten cents, in full discharge for all moneys paid, and liabilities incurred, as said guardian, prior to the thirtieth day of December, in the year one thousand eight hundred and forty-seven; and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 8, 1848.*]

\$191 10 to the
guardian for
moneys paid,
&c.

RESOLVE on the Petition of Jonathan Harrington.

Chap. 64.

Resolved, for reasons set forth in said petition, that there be paid, out of the treasury of the Commonwealth, to Jonathan Harrington, of Lexington, in the county of Middlesex, for revolutionary services, the sum of seventy-five dollars per annum during his natural life, said sum to be paid annually on or after the first day of June; and that a warrant be drawn therefor, accordingly. [*Approved by the Governor, May 8, 1848.*]

Jonathan Har-
rington, of Lex-
ington, allowed
\$75 per annum
for revolutiona-
ry services.

RESOLVES concerning Training and Teaching Idiots.

Chap. 65.

Resolved, That there be paid, out of the treasury of the Commonwealth, a sum not exceeding twenty-five hundred dollars annually, for the term of three years, for the purpose of training and teaching ten idiotic children, to be selected, by the governor and council, from those at public charge, or from the families of indigent persons in different parts of the Commonwealth: *provided*, that an arrangement can be made by the governor and council with any suitable institution now patronized by the Commonwealth for charitable purposes: *and provided*, that said appropriation shall not be made a charge upon the school fund.

A sum not ex-
ceeding \$2500
annually for
training, &c.,
ten idiotic chil-
dren.

*Proviso.**Proviso.*

Resolved, That the trustees of the institution undertaking the instruction and training of said idiots shall, at the end of each and every year, render to the governor and council an account of the actual expense incurred on account of said idiots; and, if the amount expended shall be less than the sum received from the public treasury, the unexpended balance shall be deducted from the amount of the next annual appropriation.

Account of
expense of such
training, &c., to
be rendered
annually to gov-
ernor and coun-
cil.

Towns to furnish such children with clothing, if paupers.

Resolved, That the said trustees shall be authorized to require that the authorities of any town which may send any idiot pauper to them for instruction, be required to keep them supplied with comfortable and decent clothing.

Governor authorized to draw his warrant.

Resolved, That the governor be authorized to draw his warrant for twenty-five hundred dollars, on the treasurer of the Commonwealth, in favor of the treasurer of any institution which shall take the responsibility of training and teaching said ten idiots, as soon as he shall receive official information that the trustees will assume that responsibility. [Approved by the Governor, May 8, 1848.]

Chap. 66.

RESOLVE in favor of Harrison G. O. Colby and others.

Allowance to commissioners, for depositions, counsel, and witnesses, on questions of boundary between R. Island and Massachusetts, before committee of legislature.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to Harrison G. O. Colby, the sum of two hundred and forty-nine dollars and ninety-two cents, in full for his services and expenses in taking depositions relative to the Rhode Island boundary; to Myron Lawrence, the sum of one hundred and seventy-six dollars and fifteen cents; to William Baylies, the sum of one hundred and thirty-three dollars; and to Johnson Gardner, the sum of one hundred and forty-six dollars and twenty-five cents, in full for their services, as commissioners upon said boundary, before a joint committee of the present legislature: also, to William P. Sheffield, the sum of six dollars and twenty cents; to Nathaniel B. Borden, the sum of seven dollars and sixteen cents; to James C. Starkweather, the sum of seven dollars and twenty cents; to Edward S. Wilkinson, the sum of six dollars and twenty cents; to Worcester Carpenter, the sum of six dollars and twenty cents; to H. B. Anthony, the sum of four dollars and thirty-six cents; to John W. Richmond, the sum of four dollars and thirty-six cents; to Stephen Branch, the sum of ten dollars and thirty-six cents; to Alfred Bosworth, eleven dollars and sixteen cents; and to Simeon Borden, the sum of ten dollars, in full for their several fees for attendance, as witnesses, before the same committee. [Approved by the Governor, May 9, 1848.]

Chap. 67.

RESOLVE on the Petition of Nathan Western and others.

Towns in north district for registry of deeds in Berkshire County, to vote on the question of removing the office.

Resolved, That the selectmen of the several towns composing the north district, for the registry of deeds, in the county of Berkshire, are hereby authorized and directed to call legal meetings of the inhabitants of their respective towns, duly qualified to vote in town affairs, to be held on the second Monday of November next, for the purpose of giving in their affirmative or negative ballots on the question, viz: "Shall the office for the registry of deeds, in the north district of the county of Berkshire, be removed from its present location in Lanesborough, and established in South Adams?"

And at said meetings the selectmen shall receive, sort, and count, the ballots which may be given in, and shall cause the number of yeas and nays, which may be given in answer to said question, to be recorded in their respective town records; and shall transmit a certificate thereof, signed by them, and countersigned by the town-clerks, respectively, to the secretary of the Commonwealth, on or before the second Wednesday of January next, to be by him laid before the general court. [*Approved by the Governor, May 9, 1848.*]

Selectmen to transmit a certificate of the result to the secretary of the Commonwealth.

RESOLVE in favor of the Town of Fall River.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Fall River, the sum of three thousand and forty-three dollars and eighty-three cents, in full for expenses incurred by said town, through their board of health, to the thirty-first day of January, in the year one thousand eight hundred and forty-eight, under the statute of the year one thousand eight hundred and thirty-seven, chapter two hundred and forty-fourth; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 9, 1848.*]

Chap. 68.

§3,043 83 to Fall River for expenses to January 31, 1848, under act of 1837, chap. 244.

RESOLVE on the Petition of Mary L. Faulkner.

Resolved, for reasons set forth in said petition, that said Mary L. Faulkner, widow of Enoch Faulkner, late of Hamilton, in the county of Essex, deceased, be, and hereby is, authorized to sell, at public auction or at private sale, as may to her seem expedient, a certain parcel of land, with the buildings thereon, situated in the town of Hamilton aforesaid, bounded, beginning at the north-westerly corner, by land now, or late, of William Foster, and running south, about twenty-one degrees west, on the county road, seven rods eighteen links and one half, to the corner of the road that leads to Mills River; thence south, thirty-three degrees east, by said road leading to Mills River fourteen rods, to land now or late of Daniel Hunt; thence north, about fifty degrees east, by said Hunt's land, thirteen rods, to the corner of William Foster's land; thence by the said William's land, westerly, to the first-mentioned bounds, by the county road, with all the privileges and appurtenances thereto belonging; and to make and execute good and sufficient deeds thereof, in fee simple, to the purchasers: *provided, however*, that, previous to any sale, the said Mary L. Faulkner shall give bonds, with sufficient sureties, to the judge of probate for the county of Essex, binding her to invest the proceeds of said real estate in some safe stocks, or other safe securities, and to hold the same for the same uses and purposes, under the same restrictions and limitations, and for the same ultimate disposal and distribution, as

Chap. 69.

Authorized to sell land in Hamilton.

Bounds.

Proviso.

are provided in the will of said Enoch Faulkner concerning said real estate. [*Approved by the Governor, May 10, 1848.*]

Chap. 70.

RESOLVE for the payment of sundry Miscellaneous and other accounts.

Allowance of
\$17,023 72 on
various ac-
counts.

Proviso.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several corporations and persons mentioned in the accompanying roll, the sum of seventeen thousand twenty-three dollars and seventy-two cents, in full discharge of the accounts to which they refer, and that a warrant be drawn accordingly: *provided*, that all payments made under this resolve, shall be made upon the condition that the corporations and persons so receiving the same, shall respectively refund to the treasurer of the Commonwealth such sums as shall be found to have been illegally charged in the accounts upon which such payments are made. [*Approved by the Governor, May 10, 1848.*]

Chap. 71.

RESOLVE to pay the Chaplains of the Legislature.

\$80 to chaplain
of senate, \$40
to each chap-
lain of house of
representatives.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplain of the senate, the sum of eighty dollars, and to the chaplains of the house of representatives, the sum of forty dollars each, for their services in that capacity during the present session of the general court; and that warrants be drawn accordingly. [*Approved by the Governor, May 10, 1848.*]

Chap. 72.

RESOLVE to authorize the payment of certain Notes to the Western Railroad Corporation.

Treasurer to
pay notes due
by the Com-
monwealth to
Western Rail-
road Corpora-
tion, under
direction of the
governor.

Mode of pay-
ment.

Resolved, That his excellency the governor be, and he is hereby, authorized to direct the treasurer and receiver general to pay two several notes of the Commonwealth to the Western Railroad Corporation, amounting to the sum of one hundred and thirty-two thousand and three hundred dollars, with the interest accruing thereon, or to make partial payments on said notes, from time to time, whenever there are any moneys in the treasury not otherwise appropriated, and which may be deemed applicable to such payment. [*Approved by the Governor, May 10, 1848.*]

Chap. 73.

RESOLVES authorizing His Excellency the Governor to institute certain inquiries.

Governor au-
thorized to in-
quire into the
execution of an
act ceding land
to the United
States, in Feb-
ruary, 1828.

Resolved, That his excellency the governor of the Commonwealth be requested, and he is hereby authorized, to inquire into the purposes and objects of an act passed on the twentieth day of February, in the year one thousand eight hundred and twenty-eight, whereby a certain tract of land was ceded to the United States; whether said land has been used for any purpose in contravention of the purposes and objects of said act, and whether any legislative or other action be necessary under the circumstances of the case.

Resolved, further, That his excellency the governor be requested to communicate the result of said investigation to the next legislature. [*Approved by the Governor, May 10, 1848.*]

Governor to communicate result to the next legislature.

RESOLVE on the Petition of James Baker.

Chap. 74.

Resolved, for reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to James Baker, of Franklin, in the county of Norfolk, the sum of fifty dollars annually, on the first day of June, during his natural life, in consideration of his services as a soldier in the war of the revolution; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 10, 1848.*]

Revolutionary pensioner, James Baker, of Franklin, \$50 per annum.

RESOLVES concerning the Boundary Line between the States of Rhode Island and Massachusetts.

Chap. 75.

Resolved, That his excellency the governor, by and with the advice and consent of the council, is hereby authorized to appoint one or more commissioners, not exceeding three, to act in conjunction with commissioners on the part of the state of Rhode Island, to settle and determine the line between the said states, from the north-east corner of the state of Rhode Island to the ocean, and to report the same, and all their doings, to the governor and council, so that the same may be laid before the next legislature; and if such line, as may be by said commissioners agreed on, shall be ratified and confirmed by the respective legislatures of said states, the same shall, with the approval of Congress, be forever deemed and held the true boundary line of said states between the termini aforesaid. And the governor and council are hereby authorized to audit and settle the accounts of said commissioners, and draw a warrant on the treasurer therefor, who is authorized to pay the same.

Governor and council to appoint commissioners to determine the line between Massachusetts and Rhode Island, to act with commissioners of Rhode Island.

Resolved, That, if such boundary line shall not be ratified and confirmed, as aforesaid, before the first day of May in the year one thousand eight hundred and forty-nine, the governor is hereby authorized to institute such process as he may deem proper, in the supreme court of the United States, for the purpose of having a final adjudication upon said line.

Governor and council to audit and settle accounts of the commissioners.

If line be not agreed upon and ratified before May 1st, 1849, governor authorized to institute process in supreme court of United States.

Resolved, That the proceedings of the majority of the commissioners appointed, under a resolve of the year one thousand eight hundred and forty-four, in establishing a line between this Commonwealth and the state of Rhode Island, from Burnt Swamp Corner to the ocean, be, and the same are, hereby made null and void.

Proceedings of commissioners of 1844 annulled.

Resolved, That the governor be requested to transmit, to his excellency the governor of the state of Rhode Island, a copy of these resolutions. [*Approved by the Governor, May 10, 1848.*]

These resolves to be transmitted to governor of Rhode Island.

Chap. 76.

RESOLVES relating to Encroachments in Boston Harbor.

Duty of secretary of state in relation to prosecution of violators of the law to prevent encroachments in Boston Harbor.

Resolved, That the secretary of the Commonwealth shall, without delay, furnish, to the attorney of the Commonwealth for the county of Suffolk, and to the attorney for the Northern District, an attested copy of the report made by Joseph Bell and Ezra Lincoln, Jr., commissioners appointed under the resolve of the sixteenth day of March, in the year one thousand eight hundred and forty-six, to his excellency the governor, dated the first day of December, in the year one thousand eight hundred and forty-six, and a plan of the harbor lines; also, an attested copy of this resolve. And the said attorneys are hereby required, without unnecessary delay, to prosecute all violations of the law passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, entitled "An Act to preserve the Harbor of Boston, and to prevent Encroachments therein," or of any subsequent law made for the same purpose.

Pay of prosecuting attorneys.

Resolved, That each of said attorneys be paid, out of the treasury of the Commonwealth, the sum of thirty dollars, for extra services and assistance, in each case that he may prosecute to final judgment, in pursuance of the above resolve, within two years from the passage of this act. [Approved by the Governor, May 10, 1848.]

Chap. 77.

RESOLVE in favor of the Town of Dighton.

Allowance of \$14 60 to Dighton, on State pauper account.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Dighton, the sum of fourteen dollars and sixty cents, in full for the amount deducted from their account for the support of state paupers, which amount had not been paid said town, and that a warrant be drawn therefor accordingly. [Approved by the Governor, May 10, 1848.]

Chap. 78.

RESOLVE to pay sundry Witnesses' Accounts.

\$119 32 allowed to witnesses, in the examination of charges against a director of the Western Railroad.

Resolved, That there be allowed and paid, out of the treasury of the Commonwealth, to the several persons mentioned in the accompanying roll, the sums set against their several names respectively, amounting, in the whole, to the sum of one hundred and nineteen dollars and thirty-two cents, the same being in full discharge for their services and demands as witnesses, in the investigation of certain charges against a director of the Western Railroad, during the present session of the general court, and that a warrant be drawn accordingly. [Approved by the Governor, May 10, 1848.]

Chap. 79.

RESOLVE relating to the Flats in the Harbor of Boston.

Governor to appoint commis-

Resolved, That the governor is hereby authorized, with the advice and consent of the council, to appoint three or

more suitable persons, as commissioners, to consider, and report to the next legislature, what are the rights and the duties of the Commonwealth in relation to the flats in the harbor of Boston. Also, to consider whether the public good requires that any portion of said flats should be filled, and to what extent, and whether the maritime interests do now, or probably may hereafter, require the excavation of any part of them, to enlarge the harbor accommodations; and, if it shall be deemed expedient to fill any of said flats, then to report the outlines of a plan for that purpose, and the terms upon which such filling up should be authorized. [*Approved by the Governor, May 10, 1848.*]

sioners, to report to the next legislature, as to the rights of the Commonwealth in the flats in Boston Harbor.

RESOLVE for furnishing certain Towns with Copies of the Revised Statutes and the State Map.

Chap. 80.

Resolved, That the secretary of the Commonwealth is hereby authorized to purchase such number of copies of the Revised Statutes, and of the State Map, as may be necessary to comply with the resolve passed on the fifth day of April, in the year one thousand eight hundred and forty-eight, in relation to the same, and his excellency the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, May 10, 1848.*]

Secretary of the Commonwealth authorized to purchase Revised Statutes and State Map, for new towns.

RESOLVES on Reduction in the Rates of Postage.

Chap. 81.

Resolved, That the result of the partial reduction made by the general government in the rates of postage, together with the success of the postage reform in England, warrant the belief that a still further reduction, and a uniform rate of postage, would greatly conduce to the general diffusion of knowledge, and may be made, without endangering the revenue of the post-office department.

Further reduction of postage desirable.

Resolved, That the foregoing report, together with the accompanying resolves, be forwarded to our senators and representatives in congress, and that they be requested to use their influence to secure the passage of such a law as is contemplated in said report, or such modification of the existing laws relating to postage, as, in their judgment, will promote the best interests of the whole community. [*Approved by the Governor, May 10, 1848.*]

Senators and representatives of Massachusetts in Congress requested to promote it.

RESOLVE relating to Indians within the Commonwealth.

Chap. 82.

Resolved, That his excellency the governor, with the advice and consent of the executive council, is hereby authorized to appoint three suitable persons to be commissioners, whose duty it shall be to visit the several tribes and parts of tribes of Indians remaining within this Commonwealth, to examine into their condition and circumstances, and report to the next legislature what legislation, in their opinion, is necessary, in order best to promote the improvement and

Governor to appoint commissioners, to report to next legislature, on the condition, &c., of the Indian tribes, &c.

interests of said Indians; and the accounts of said commissioners, for their services and expenses, shall be audited by the governor and council; and, when allowed, warrants may be drawn therefor accordingly. [*Approved by the Governor, May 10, 1848.*]

Chap. 83. RESOLVE concerning the Boundary Line between Williamsburg and Whately.

Governor and council to appoint three commissioners, to ascertain true boundary line between Williamsburg and Whately.

Power of commissioners. To make report to next legislature.

Costs and expenses, how to be stated, rendered, and paid.

Resolved, That three commissioners be appointed by the governor, with the advice and consent of the council, who shall, before the next session of the general court, proceed to ascertain what is the true and actual boundary line between Williamsburg and Whately. Said commissioners shall have power to send for persons and papers, and to administer oaths to persons appearing to testify before them; and shall make report to the next legislature. And an account of all costs and expenses, arising under and by virtue of this resolve, shall be stated by said commissioners, and rendered to the county commissioners of the counties of Hampshire and Franklin, who shall audit said account, and shall certify to the respective treasurers of said counties their allowance of the whole, or of such part thereof as they shall deem reasonable; and the sum so allowed shall be paid by said treasurers, one half by each. [*Approved by the Governor, May 10, 1848.*]

Chap. 84. RESOLVE in addition to Resolves relating to the Survey of Boston Harbor.

Commissioners, under resolves of April 7th, 1847, to define lines in certain portions of Boston Harbor, beyond which wharves, &c., not to be extended; to ascertain obstructions in Fort Point Channel; to report their doings to governor and council. Commissioners to give notice of time and place of their meeting.

Resolved, That the commissioners, appointed under the resolves passed on the seventh day of April, in the year one thousand eight hundred and forty-seven, are hereby authorized and directed to define, upon a plan, or plans, such lines in that portion of the harbor of Boston lying between East Boston and Chelsea, and known as Chelsea Creek, as they shall think expedient to establish, beyond which no wharves, or other structure, shall be extended into and over the tide-waters of the Commonwealth; also, to ascertain whether any obstructions are forming in Fort Point Channel, in the harbor of Boston, and whether any legislation is necessary to prevent or remove the same: and said commissioners shall report their doings to the governor and council on or before the first day of December next; and said commissioners shall give at least ten days' notice, in three newspapers published in Boston, of the time and place of their meeting, in order that all persons interested may appear, and be heard in relation to the same. [*Approved by the Governor, May 10, 1848.*]

Chap. 85. RESOLVES respecting the furnishing of Standard Weights, Measures, and Balances, to Counties, Cities, and Towns.

Governor to appoint commis-

Resolved, That his excellency the governor, by and with the advice and consent of the council, be, and he is hereby,

authorized and empowered to appoint two commissioners, who, in conjunction with the treasurer and receiver-general of the Commonwealth, shall constitute a board, to carry into effect, on the part of the Commonwealth, the provisions of an act passed at the present session of the legislature, entitled "An act in addition to an act concerning weights, measures, and balances;" and it shall be the duty of said commissioners to procure, and cause to be furnished to the treasurers of the several counties, cities, and towns of this Commonwealth, the standard weights, measures, and balances, according to the provisions of that act: *provided*, Commissioners, to superintend the furnishing of weights, &c., to counties, &c. *Proviso.* that the whole expense incurred under this resolve shall not exceed the sum of fifty-two thousand dollars; and his excellency the governor is hereby authorized to draw his warrants accordingly, from time to time, on the treasurer of the Commonwealth.

Resolved, That the commissioners, appointed under the foregoing resolve, be, and they are hereby, authorized to dispose of and sell any old and useless measures, weights, scales, and appendages, which may remain on hand, the property of the Commonwealth; and they shall pay over the proceeds of such sales into the treasury of the Commonwealth. Commissioners may sell old weights, &c. [Approved by the Governor, May 10, 1848.]

ROLL OF PAUPER ACCOUNTS.

[SEE RESOLVE, CHAP. 12, p. 821.]

SUFFOLK COUNTY.

Boston, for support of State paupers, including					
burials, . . . . .	.	.	.	.	\$13,639 93
Chelsea, for do. do. . . . .	.	.	.	.	221 14
					<hr/>
					\$13,861 07

ESSEX COUNTY.

Beverly, for support, &c., of State paupers,					\$20 52
Boxford, do. do.	do.	do.	.	.	17 08
Bradford, do. do.	do.	do.	.	.	5 87
Danvers, do. do.	do.	do.	.	.	249 21
Gloucester, do. do.	do.	do.	.	.	125 18
Haverhill, do. do.	do.	do.	.	.	47 59
Lynn, do. do.	do.	do.	.	.	416 70
Lawrence, do. do.	do.	do.	.	.	516 67
Manchester, do. do.	do.	do.	.	.	30 40
Newburyport, do. do.	do.	do.	.	.	156 99
Rockport, do. do.	do.	do.	.	.	217 38
Rowley, do. do.	do.	do.	.	.	4 41
Salem, do. do.	do.	do.	.	.	2,224 27
Salisbury, do. do.	do.	do.	.	.	58 20
Saugus, do. do.	do.	do.	.	.	25 55
West Newbury, do. do.	do.	do.	.	.	150 75
					<hr/>
					\$4,266 77

MIDDLESEX COUNTY.

Brighton, for support, &c., of State paupers,					\$32 68
Cambridge, do. do.	do.	do.	.	.	1,365 66
Charlestown, do. do.	do.	do.	.	.	2,906 11
Chelmsford, do. do.	do.	do.	.	.	33 81
Concord, do. do.	do.	do.	.	.	44 48
Dracut, do. do.	do.	do.	.	.	53 17
Framingham, do. do.	do.	do.	.	.	216 77
Holliston, do. do.	do.	do.	.	.	89 00
Hopkinton, do. do.	do.	do.	.	.	6 23
Lexington, do. do.	do.	do.	.	.	
Lincoln, do. do.	do.	do.	.	.	5 00

Littleton,	for support, &c., of State paupers,	\$49 15
Lowell,	do. do. .	2,983 15
Medford,	do. do. .	37 48
Natick,	do. do. .	43 98
Newton,	do. do. .	139 51
Somerville,	do. do. .	88 17
Stoneham,	do. do. .	47 00
Stow,	do. do. .	8 53
Townsend,	do. do. .	6 65
Tyngsborough,	do. do. .	25 55
Waltham,	do. do. .	46 30
Watertown,	do. do. .	356 26
Wayland,	do. do. .	28 76
West Cambridge,	do. do. .	3 99
Weston,	do. do. .	25 55
Woburn,	do. do. .	19 76
		<hr/>
		\$8,662 70

WORCESTER COUNTY.

Ashburnham,	for support, &c., of State paupers,	\$17 70
Athol,	do. do. .	60 52
Brookfield,	do. do. .	27 55
Charlton,	do. do. .	7 42
Douglas,	do. do. .	27 92
Fitchburg,	do. do. .	205 24
Grafton,	do. do. .	41 91
Lancaster,	do. do. .	114 33
Leicester,	do. do. .	125 58
Lunenburg,	do. do. .	1 96
Mendon,	do. do. .	2 17
Milford,	do. do. .	18 64
Millbury,	do. do. .	46 80
New Braintree,	do. do. .	12 80
Northbridge,	do. do. .	3 08
Oxford,	do. do. .	51 38
Petersham,	do. do. .	51 10
Royalston,	do. do. .	90 22
Rutland,	do. do. .	16 94
Southboro',	do. do. .	5 73
Spencer,	do. do. .	4 55
Sterling,	do. do. .	8 19
Sturbridge,	do. do. .	25 55
Templeton,	do. do. .	9 24
Upton,	do. do. .	3 30
Uxbridge,	do. do. .	111 22
Warren,	do. do. .	29 59
Webster,	do. do. .	2 45
Westboro',	do. do. .	42 17

PAUPER ACCOUNTS.

Westminster,	for support, &c., of State paupers,	\$5 56
Winchendon,	do. do. .	58 03
Worcester,	do. do. .	808 11
Blackstone,	do. do. .	61 38
		<hr/>
		\$2,098 33

HAMPSHIRE COUNTY.

Amherst,	for support, &c., of State paupers,	\$17 30
Belchertown,	do. do. .	91
Easthampton,	do. do. .	79 45
Enfield,	do. do. .	2 52
Hatfield,	do. do. .	4 20
Northampton,	do. do. .	151 26
Worthington,	do. do. .	51 10
		<hr/>
		\$306 74

HAMPDEN COUNTY.

Blandford,	for support, &c., of State paupers,	\$51 10
Brimfield,	do. do. .	53 70
Chester,	do. do. .	68 52
Granville,	do. do. .	25 55
Longmeadow,	do. do. .	9 97
Russell,	do. do. .	31 15
Southwick,	do. do. .	10 98
Springfield,	do. do. .	912 42
Westfield,	do. do. .	29 74
West Springfield,	do. do. .	40 85
Wilbraham,	do. do. .	25 55
		<hr/>
		\$1,259 53

FRANKLIN COUNTY.

Charlemont,	for support, &c., of State paupers,	\$38 67
Coleraine,	do. do. .	65 82
Conway,	do. do. .	19 95
Deerfield,	do. do. .	25 55
Erving,	do. do. .	8 05
Greenfield,	do. do. .	67 36
Heath,	do. do. .	16 03
Leyden,	do. do. .	62 86
Montague,	do. do. .	18 76
New Salem,	do. do. .	3 85
Orange,	do. do. .	53 00
Shutesbury,	do. do. .	160 84
Whately,	do. do. .	30 69
		<hr/>
		\$571 43

BERKSHIRE COUNTY.

Adams,	for support, &c., of State paupers,	\$269 13
Cheshire,	do. do. .	66 36
Dalton,	do. do. .	40 15
Egremont,	do. do. .	116 80
Great Barrington,	do. do. .	121 20
Hancock,	do. do. .	59 22
Lanesboro',	do. do. .	169 28
Lee,	do. do. .	65 70
Lenox,	do. do. .	63 50
Otis,	do. do. .	61 68
Peru,	do. do. .	24 20
Pittsfield,	do. do. .	168 33
Richmond,	do. do. .	38 17
Sandisfield,	do. do. .	43 61
Sheffield,	do. do. .	42 70
Stockbridge,	do. do. .	46 24
Washington,	do. do. .	117 23
West Stockbridge,	do. do. .	31 50
Williamstown,	do. do. .	66 26
		<hr/>
		\$1,611 26

NORFOLK COUNTY.

Bellingham,	for support, &c., of State paupers,	\$5 70
Braintree,	do. do. .	68 81
Brookline,	do. do. .	220 79
Canton,	do. do. .	21 95
Dedham,	do. do. .	72 10
Dorchester,	do. do. .	74 47
Medway,	do. do. .	23 87
Milton,	do. do. .	77 18
Needham,	do. do. .	53 97
Quincy,	do. do. .	116 26
Randolph,	do. do. .	242 44
Roxbury,	do. do. .	7,316 47
Stoughton,	do. do. .	27 18
Walpole,	do. do. .	5 88
Weymouth,	do. do. .	38 43
Wrentham,	do. do. .	7 63
		<hr/>
		\$8,373 13

BRISTOL COUNTY.

Attleborough,	for support, &c., of State paupers,	\$4 27
Dartmouth,	do. do. .	41 79

PAUPER ACCOUNTS.

Dighton,	for support, &c., of State paupers,	\$25 20
Fall River,	do. do. .	1,302 96
New Bedford,	do. do. .	1,294 60
Pawtucket,	do. do. .	162 04
Raynham,	do. do. .	25 55
Seekonk,	do. do. .	7 36
Somerset,	do. do. .	37 69
Taunton,	do. do. .	463 20
Westport,	do. do. .	51 10
		<hr/>
		\$3,415 76

PLYMOUTH COUNTY.

Duxbury,	for support, &c., of State paupers,	\$44 73
East Bridgewater,	do. do. .	22 61
Hanover,	do. do. .	15 65
Hingham,	do. do. .	11 97
Marshfield,	do. do. .	6 02
Middleborough,	do. do. .	63 03
North Bridgewater,	do. do. .	104 56
Pembroke,	do. do. .	80 51
Plymouth,	do. do. .	41 71
Rochester,	do. do. .	73 74
Scituate,	do. do. .	44 70
Wareham,	do. do. .	47 36
		<hr/>
		\$556 59

BARNSTABLE COUNTY.

Dennis,	for support, &c., of State paupers,	18 25
Orleans,	do. do. .	25 55
Sandwich,	do. do. .	54 14
Yarmouth,	do. do. .	17 01
		<hr/>
		\$114 95

DUKES COUNTY.

Edgartown,	for support, &c., of State paupers,	\$25 55
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NANTUCKET COUNTY.

Nantucket,	for support, &c., of State paupers,	\$181 99
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RECAPITULATION.

Suffolk County,	\$13,861 07
Essex do.	4,266 77
Middlesex do.	8,662 70
Worcester do.	.	.	.	.	2,098 33
Hampshire do.	.	.	.	.	306 74
Hampden do.	.	.	.	.	1,259 53
Franklin do.	.	.	.	.	571 43
Berkshire do.	.	.	.	.	1,611 26
Norfolk do.	.	.	.	.	8,373 13
Bristol do.	.	.	.	.	3,415 76
Plymouth do.	.	.	.	.	556 59
Barnstable do.	.	.	.	.	114 95
Dukes do.	.	.	.	.	25 55
Nantucket do.	.	.	.	.	181 99
					<hr/>
					\$45,305 80
					<hr/>

STATE LUNATIC PAUPERS.

Suffolk County, for support of 157 State lunatic paupers, .	.	.	.	.	\$9,940 40
Essex County, for support of 46 State lunatic paupers, .	.	.	.	.	3,680 98
Middlesex County, for support of 46 State lunatic paupers, .	.	.	.	.	2,968 06
Worcester State Lunatic Hospital, for support of 154 State lunatic paupers, .	.	.	.	.	11,386 90
Berkshire County, for support of 2 State lunatic paupers, .	.	.	.	.	200 00
Norfolk County, for support of 3 State lunatic paupers, .	.	.	.	.	300 00
City of New Bedford, for 1 State lunatic pauper, .	.	.	.	.	13 93
Town of Cummington, for 1 do. do. .	.	.	.	.	100 00
Town of Sandwich, for 1 do. do. .	.	.	.	.	55 42
					<hr/>
					\$28,645 69
					<hr/>

SMALL POX PAUPERS.

City of Boston, .	.	.	.	.	\$48 41
City of New Bedford, .	.	.	.	.	121 24
City of Cambridge, .	.	.	.	.	400 94
City of Salem, .	.	.	.	.	334 70
Town of Chelsea, temporary hospital, .	.	.	.	.	122 24
					<hr/>
					\$1,027 53
					<hr/>

PAUPER ACCOUNTS.

INDIAN PAUPERS.

Herring Pond Indians,	.	.	.	.	\$25 55
Gay Head Indians,	.	.	.	.	13 72
					<u>\$39 27</u>

RECAPITULATION.

State pauper accounts,	.	.	.	.	\$45,305 80
State lunatic paupers,	.	.	.	.	28,645 69
Small pox paupers,	.	.	.	.	1,027 53
Indian paupers,	.	.	.	.	39 27
					<u>\$75,018 29</u>

ROLL

Of Sheriffs, Coroners, Military, Newspaper, and Miscellaneous Accounts, audited by the Committee on Accounts, and reported to the Legislature, May 10, 1848.

[SEE RESOLVE, CHAP. 70, p. 838.]

SHERIFFS.

Samuel Chandler, . . .	\$97 69
John W. Lincoln, . . .	103 09
C. Rice, . . .	20 01
S. H. Reed, . . .	43 02
E. F. Ensign, . . .	76 95
J. N. E. Mann, . . .	59 39
H. L. Danforth, . . .	72 17
Branch Harlow, . . .	51 89
Nathaniel Hinckley, . . .	26 43
E. Starbuck, . . .	23 17
Isaiah D. Pease, . . .	15 70
Joseph E. Sprague, . . .	58 94
S. L. Hinckley, . . .	16 26
Joseph Eveleth, . . .	26 50
	<hr/>
	\$691 21

CORONERS.

William Andrews, . . .	\$80 84
Jabez Pratt, . . .	144 52
William Ferson, . . .	23 50
Theodore Andrews, . . .	106 00
Joseph Rice, . . .	10 34
Loammi Littlefield, . . .	28 98
Abel Moore, . . .	3 00
Elijah Blake, . . .	22 84
Lewis Bass, . . .	45 32
Thomas Adams, . . .	47 46
James Woodward, . . .	37 33
Joseph Jackson, . . .	19 60
Charles Smith, . . .	\$442 34
N. Brown, . . .	41 23
Asa Matthews, . . .	22 00
Erastus Rugg, . . .	23 16
Thomas Sumner, . . .	36 80
	<hr/>
	565 53
	<hr/>
	1,135 26

MILITARY ACCOUNTS.

H. K. Oliver, Inspector General, for year 1847, \$156 64

DIVISION INSPECTORS, \$25 PER ANNUM.

E. W. Stone, to Dec. 31, 1847, 12 months,	\$25 00	
Thomas J. Adams, do. do.	25 00	
Leonard S. Jones, do. do.	15 41	
		<hr/> 65 41

BRIGADE INSPECTORS, \$25 PER ANNUM.

N. A. M. Dudley, to December 31, 1847, 11 months, 4 days, . . .	\$23 15	
Vinson Blanchard, to December 31, 1847, 12 months, . . .	25 00	
A. L. Barrett, to October 9, 1847, . . .	19 37	
C. O. Wardwell, to January 1, 1848, . . .	5 36	
Daniel Perkins, do. do.	25 00	
C. B. Long, do. do.	25 00	
L. S. Jones, to May 18, 1847, . . .	9 59	
William Keith, to January 1, 1848, . . .	15 41	
		<hr/> 147 88

ADJUTANTS, \$25 PER ANNUM.

C. O. Wardwell, to October 13, 1847, . . .	\$19 64	
G. A. Burbank, to May 1, 1847, . . .	8 33	
Thomas J. Bowler, to January 1, 1848, . . .	16 67	
W. F. Arnold, to August 20, 1847, . . .	15 96	
Jonathan Arnold, Jr., January 1, 1848, . . .	25 00	
Francis Allen, do. do.	25 00	
Joseph W. Currier, to April 11, 1847, . . .	7 00	
Jonathan Gavett, to January 1, 1848, . . .	18 00	
E. W. Wilbur, to December 31, 1847, . . .	25 00	
John H. Fellowes, do. do.	25 00	
Gilbert Ferrin, do. do.	25 00	
Henry Merritt, do. do.	25 00	
Sewall Richardson, do. do.	25 00	
Jona. R. Childs, do. do.	8 60	
Thomas B. Bartlett, to August 18, 1846, . . .	15 20	
D. B. Look, to May 1, 1847, . . .	8 33	
Joseph Tombs, to January 1, 1848, . . .	15 49	
		<hr/> 308 22

POSTAGE ACCOUNTS.

Appleton Howe,	\$8 10
Benjamin Adams,	3 75
David S. Jones,	10 29

Andrew Chase, Jr.,	.	.	.	\$4 34	
Henry Dunham,	.	.	.	3 80	
Henry Wilson,	.	.	.		
George Hobbs,	.	.	.	7 25	
Charles Devens,	.	.	.	3 00	
Horatio Hawks,	.	.	.	2 00	
J. W. Fenby,	.	.	.	3 25	
Eliab Ward,	.	.	.	2 90	
B. E. Cook,	.	.	.	75	
					\$49 43

HAULING ARTILLERY.

Horace Hammond,	Waltham,	\$36 00	
Joseph B. Richardson,	Charlestown,	21 00	
Asa S. Lawrence,	Groton,	24 00	
Jere. R. Cook,	Gloucester,	18 00	
Hamilton Brown,	Lynn,	18 00	
John W. Rhodes,	Salem,	18 00	
James Bates,	E. Bridgewater,	15 00	
W. W. Bullock,	Boston,	14 25	
Samuel S. Chase,	Roxbury,	18 00	
H. A. Bridgman,	Belchertown,	31 50	
George W. Brown,	Boston,	30 00	
			243 75
			\$971 33

NEWSPAPER ACCOUNTS.

Proprietor.	Paper.	Papers.	Laws and Ad- vertising.	Total.
Almy & Milne, -	Fall River Weekly News,	-	\$16 67	\$16 67
D. F. Ashley, -	Hampden Post, -	\$9 04	-	9 04
do. -	Northampton Democrat,	2 68	-	2 68
E. Anthony, -	Bristol Co. " -	5 36	-	5 36
James Atkinson,	Lowell Courier & Journal,	10 00	-	10 00
S. C. Baldwin, -	Plymouth Rock,	4 00	-	4 00
Otis Brewer, -	Cultivator, -	37 26	-	37 26
Boston Wesleyan Ass'n,	Zion's Herald, -	15 30	-	15 30
Beals & Greene, -	Boston Post, &c. -	558 70	55 62	614 32
Elihu Burritt, -	Christian Citizen, -	13 54	-	13 54
J. D. Bates, -	Westfield Standard, -	1 00	-	1 00
George W. Bazin,	Trumpet, -	18 05	-	18 05
Samuel Bowles, -	Springfield Republican, -	22 00	-	22 00
Bradbury, Harmon & Co.	Boston Bee, -	5 50	-	5 50
Bradbury & Guild,	Weekly Atheneum,	46 92	-	46 92
Chapman & Palfrey,	Salem Gazette, -	29 33	-	29 33

NEWSPAPER ACCOUNTS—*Continued.*

Proprietor.	Paper.	Papers.	Laws and Ad- vertisi'g.	Total.
George R. Carleton, -	Danvers Courier, -	\$10 50	-	\$10 50
Henry Chickering, -	Weekly Transcript, -	2 00	-	2 00
D. Clark & Co. -	Alliance and Visiter, -	10 20	-	10 20
J. D. Cushing, -	Berkshire Courier, -	1 90	-	1 90
E. W. Cobb, -	Nantucket Inquirer, -	5 00	-	5 00
David Clapp, -	Med. and Surg. Journal, -	46 91	-	46 91
Clapp & Co. -	Thursday Messenger, -	19 33	-	19 33
C. W. & W. W. Clapp, Jr.	Evening Gazette, -	56 00	-	56 00
G. G. Channing, -	Christian World, -	22 41	-	22 41
S. Cobb, -	" Freeman, -	8 16	-	8 16
J. B. Dow, -	" Witness, -	15 00	-	15 00
Dutton & Wentworth, -	Evening Transcript, -	18 10	\$10 87	28 97
E. B. Foster & Co. -	Boston Courier, -	304 79	4 13	308 92
C. Foote and W. Brown, -	Salem Gazette, -	-	18 67	18 67
do. -	Essex County Mercury, -	-	2 00	2 00
Henry Flanders & Co. -	American Traveller, -	86 33	26 95	113 28
Gill & Farmer, -	Hingham Patriot, -	8 80	-	8 80
S. S. Gleason, -	Literary Gazette, -	-	16 67	16 67
John A. Green, -	Quincy Patriot, -	10 00	-	10 00
Hawley & Tenney, -	Springfield Centinel, -	2 10	-	2 10
W. A. Hawley, -	Hampshire Gazette, -	12 75	-	12 75
Hack & King, -	Old Colony Republican, -	5 00	-	5 00
D. S. Hubbard, -	Berkshire County Whig, -	17 28	16 67	33 95
J. W. D. Hall, -	Taunton Whig, -	6 00	-	6 00
F. A. Hildreth, -	Lowell Patriot, -	1 00	-	1 00
Wm. Ives & Co. -	Salem Observer, -	5 00	-	5 00
Jordan & Co. -	Weekly Symbol, -	5 04	-	5 04
Justin Jones, -	Star-Spangled Banner, -	24 00	-	24 00
J. S. C. Knowlton, -	Worcester Palladium, -	8 67	-	8 67
Lincoln & Hickox, -	National Ægis, -	10 08	-	10 08
S. O. Lamb, -	Franklin Democrat, -	5 83	-	5 83
E. Marchant, -	Vineyard Gazette, -	1 00	-	1 00
Chas. Montague, -	Massachusetts Eagle, -	3 00	-	3 00
Martin Moore, -	Recorder, -	35 08	-	35 08
Morss & Brewster, -	Newburyport Herald, -	11 00	-	11 00
Thomas F. Norris, -	Olive Branch, -	63 70	-	63 70
Nichols & Co. -	Emancipator, -	33 27	-	33 27
Wm. Nichols, -	Christian Watchman, -	27 83	-	27 83
George Phinney, -	Sandwich Observer, -	5 20	-	5 20
S. B. Phinney, -	Barnstable Patriot, -	20 25	-	20 25
Henry Pratt, -	Fall River Monitor, -	4 50	-	4 50
John Richards, -	Spirit of the Times, -	1 40	-	1 40
John S. E. Rogers, -	Gloucester Telegraph, -	11 00	-	11 00
do. -	Cape Ann Light, -	3 00	-	3 00
Roberts & Garfield, -	Boston Times, -	14 18	-	14 18
E. G. Robinson, -	Norfolk Democrat, -	16 60	-	16 60
David Reed, -	Christian Register, -	23 93	-	23 93
Schouler & Brewer, -	Boston Atlas, -	474 95	77 13	552 08
Charles Spear, -	Prisoner's Friend, -	19 33	-	19 33
Stacey, Richardson & Co. -	Excelsior, -	1 00	-	1 00
Wm. Simonds & Co. -	Saturday Rambler, -	27 22	-	27 22
Sleeper & Rogers, -	Mercantile Journal, -	200 69	3 50	204 19
L. R. Streeter, -	Boston Star, -	6 67	-	6 67
Wm. Stowe, -	Springfield Gazette, -	14 00	-	14 00

NEWSPAPER ACCOUNTS—*Continued.*

Proprietor.	Paper.	Papers.	Laws and Ad- vertisi'g.	Total.
J. C. Stoever, -	Chicopee Telegraph, -	-	\$16 67	\$16 67
Shepardson & Brother, -	Boston Miscellany, -	-	33 34	33 34
Charles Smith, -	Daily and Weekly Sun, -	-	53 34	53 34
J. E. Thompson, -	Northampton Democrat, -	\$1 50	-	1 50
Wm. Tyler, -	" Courier, -	8 00	-	8 00
Jas. Thurber, -	Old Colony Memorial, -	13 33	-	13 33
J. M. Usher, -	Gospel Teacher, -	1 13	-	1 13
Upham, Ford & Co. -	Christian Reflector, -	8 50	-	8 50
R. F. Wallcut, -	Liberator, -	19 50	-	19 50
George H. Williams, -	Uncle Sam, -	9 52	-	9 52
B. W. Williams, -	Dew-drop, -	50	-	50
Woodbridge Raynolds, -	N. E. Puritan, -	36 10	-	36 10
W. W. Wheildon, -	Bunker Hill Aurora, -	13 80	-	13 80
White, Potter & Wright, -	Chronotype, -	42 96	-	42 96
White, Potter & Coles, -	N. E. Washingtonian, -	20 40	-	20 40
	Boston Whig, -	88 22	-	88 22
	" Herald, -	1 12	-	1 12
	Barre Gazette, -	8 30	-	8 30
	Daily Advertiser, -	198 72	4 13	202 85
	Mass. Ploughman, -	70 55	-	70 55
	Nantucket Mirror, -	-	16 67	16 67
	New Bedford Bulletin, -	3 00	-	3 00
	Roxbury Gazette, -	38 00	-	38 00
	Yankee Blade, -	15 96	-	15 96
	Yarmouth Register, -	8 00	-	8 00
		3132 77	373 03	3505 80

MISCELLANEOUS ACCOUNTS.

Expenses consequent upon the death of the late

John Quincy Adams, viz :

Boston Courier, for advertising, .	\$23 75
Beals & Greene, do. .	14 25
Sleeper & Rogers, do. .	19 00
John H. Eastburn, for cards, .	7 00
Roberts & Garfield, for advertising, .	2 62
Daily Advertiser, do. .	15 63
S. & A. H. Rhoades, for marshal's equipments, .	99 50
Joseph S. Read, for military equip- ments, .	30 00
John P. Baker, do. do. .	5 25
Mark Bills, horse for chief marshal, .	20 00
W. J. Niles, do. do. .	5 00
N. E. Nims, horses do. .	20 00
Fuller, Hamilton & Co., coaches, .	40 50

Luke Pillsbury, for coaches, . . .	\$36 00	
Horace King, omnibus for military, . .	9 00	
Handel and Haydn Society, for music, .	100 00	
John A. Savels, do.	40 00	
Brass Band, do.	175 00	
City of Boston, for police, do. . . .	104 70	
George T. Bigelow, for expenses of committee at Springfield,	463 00	
Tremont House, for board of Congres- sional committee,	1,322 30	
Tremont House, for entertainment of officers, April 15, 1848,	198 50	
Haskell & Howland, drapery for le- gislative halls,	173 71	
T. P. & I. Durant, upholstery work, for legislative halls,	42 00	
	<hr/>	\$2,966 71

ACCOUNTS FOR STATIONERY.

Eayrs & Fairbanks, for secretary's office, \$154 00		
Do. for adjutant general's office, . .	88 00	
Do. for treasurer's office,	27 13	
Do. for sergeant-at-arms,	27 01	
Do. for secretary, further,	774 07	
Do. for house of representatives, . . .	279 78	
Do, for senate,	136 77	
Charles Stimpson, for house of repre- sentatives,	114 80	
Do. for senate,	115 98	
Jones & Wheelwright, for senate, . .	191 50	
Peter Low, for binding,	145 92	
J. G. Roberts, do.	26 50	
O. W. Allen, for twine,	15 94	
James French, for state records, . .	6 00	
J. T. Prince & Co., senate,	53 50	
	<hr/>	670 14

REPAIRS OF STATE-HOUSE, FURNITURE, &c.

G. B. Wheeler, for sergeant-at-arms, .	\$591 31	
Do. for secretary's office,	60 76	
Do. for senate,	\$121 79	
Do. for do.	182 92	
	<hr/>	304 71
Do. for library,	91 57	
	<hr/>	1,048 35
L. Jones & Son, for ventilators, . . .	59 13	
C. W. Haven, for painting,	133 98	

Safford & Co., for iron work, .	\$52 73
Asa Swallow, for mason work, .	111 44
C. Brooks & Co., for hardware, .	73 02
George W. Haven, do. .	10 44
H. A. Breed, for papering, .	12 05
John Ridgway & Son, for repairing clocks, .	7 50
Ross & Hatchman, for gilding coat of arms, .	12 00
Harris & Stanwood, for lamps, .	45 00
William Perry, for tin ware, .	4 00
John H. Pray, for cloth for desks, .	9 75
Doe & Hazletine, for chairs, &c., .	60 25
John Clarke & Sons, for pumps, &c., .	31 96
T. P. & I. Durant, for upholstery, .	145 64
Parker Fowle & Son, for carpets, .	97 50
Hannah N. Baxter, for making car- pets, .	100 88
Phoebe Johnson, for washing floors, &c., .	40 61
J. M. Sawyer, for sand, .	16 25
Joshua Roberts, for carting, .	18 50
Carleton Hadley, for shovelling snow, .	54 27
William T. Eustis &c., for cutlery, .	31 00
Morse & Tuttle, for altering railroad map, .	25 00
Lott Poole, for diagrams of house of representatives, .	10 00
H. Knights & Co., omnibus for com- mittee on prisons, .	22 00
Ebenezer Shute, for constables, elec- tion day, .	26 50
I. S. Withington, for Old South choir, .	20 00
William Learnard, for Old South Church, .	20 00
Thomas Stearns, for carriages, .	13 00
Brown & Sevrence, do. .	69 67
Nathaniel Greene, for postage, .	103 19
W. H. Henderson, for sundries, .	57 58
J. P. Bradlee & Son, for oil, .	173 44
Truman Clark, for committee on prisons, .	73 36
Gilman Gale, for committee on claims, .	53 65
George Denny, for committee on charitable institutions, .	102 97
Charles W. Storey, for indexing jour- nals, .	326 00
Charles Calhoun, for duplicating journals, .	704 00

MISCELLANEOUS ACCOUNTS.

Benjamin Stevens, for special police, ice, &c.,	\$58 42	
Benjamin Stevens, for balance of his account,	609 31	
	<hr/>	\$2,499 09
		<hr/>
		<u>\$9,767 95</u>

SUPPLEMENTARY ROLL OF PAUPER ACCOUNTS.

Essex County, for lunatic pauper,	\$100 00	
Worcester do. do.	123 21	
Hampden do. do.	200 00	
	<hr/>	423 21
Dracut, for small-pox pauper, .	63 00	
Groton, for ship-fever pauper, .	116 20	
Wilbraham, for small-pox pauper, .	201 81	
	<hr/>	381 01
Groton, for pauper account, .	78 80	
Woburn, do. .	26 01	
Do. for error in account, 1846, .	5 00	
Newburyport, do. do. .	8 00	
	<hr/>	117 81
Norton, for support of paupers, .		30 14
		<hr/>
		<u>\$952 17</u>

RECAPITULATION.

Sheriff's accounts,	\$691 21	
Coroner's do.	1,135 26	
Military do.	971 33	
Newspaper do.	3,505 80	
Miscellaneous do.	9,767 95	
Pauper do.	952 17	
	<hr/>	\$17,023 72
		<hr/>

INAUGURAL ADDRESS

OF

HIS EXCELLENCY GEORGE N. BRIGGS.

REPRESENTATIVES' CHAMBER, JAN. 11th, 1848.

At twelve o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant Governor, the members of the Executive Council, the Deputy-Secretary, Treasurer, Adjutant General, and Land Agent of the Commonwealth, and attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives in convention, and delivered the following

A D D R E S S :

*Gentlemen of the Senate and of the
House of Representatives :*

NEXT to the blessings of Christianity, a free government is the greatest good that any people can possess.

It is the right of every people ; yet few nations or states, in the progress of human history, have been so fortunate as to attain, or enjoy it.

As the chosen representatives of the citizens of one of a great family of free States, we have assembled here, in this time-honored hall, to exercise the highest functions of earthly power, and to illustrate the attributes of rational liberty.

We are here in the capacity of law-makers, because an intelligent and free people have sent us here, to do for them what, from their numbers and dispersed condition, they cannot conveniently do for themselves.

In the constitution of government which we have sworn to support, they define the limits of our power, and declare the purposes for which we are to act.

When, in a brief period, we shall have fulfilled the trusts committed to us, we shall return as private citizens, to mingle

with those who have honored us with their confidence, and to obey the laws which we have made.

If our legislation shall be wise and judicious, we with our children, in common with the whole community, shall enjoy its benefits. If we are injudicious and unwise, in common with the mass for whom we act, we shall reap the consequences of our errors, and those who shall succeed to our official places will have to correct them.

The rich inheritance of freedom which we enjoy, with all its excellent institutions, came down to us from our fathers, through the goodness of that benign Ruler of the world, "whose tender mercies are over all His works." It is our duty to "acknowledge *Him* in all our ways," and especially so on a public, official occasion like the present, when surrounded by so many tokens of His beneficence.

A very gratifying condition of our finances will be exhibited by the report of the treasurer of the Commonwealth.

The receipts of the year, including \$8,658 57	
in the treasury on the first of January, 1847,	
amount to	\$508,990 40
The expenditures to	478,755 63

Leaving a balance of receipts, over the expendi-	
tures, of	\$30,234 77

In a resolve passed on the twenty-fifth of March, 1845, and also in a resolve passed on the twenty-fourth of April, 1847, each of which authorizes the directors of the Western Railroad Corporation to increase their capital stock, it is provided "that the governor may, if he judge best, instruct the treasurer to take the proportion of shares to which the Commonwealth may be entitled, or any part thereof; and the governor, with the advice of the council, may draw his warrant on the treasurer in payment therefor, or he may authorize the treasurer to give the note of the Commonwealth for the same, or any part thereof, to be paid with interest, whenever provision shall be made by law therefor."

As, at the time when the directors of the Western Railroad Corporation increased their capital under the above-cited resolves, the value of the stock was considerably above par, I "judged best to instruct the treasurer to take the proportion of shares to which the Commonwealth was entitled."

Four hundred and forty-one shares were taken under the first, and thirteen hundred and twenty-three shares under the second resolve. A dividend, at the rate of eight per cent. per annum, has been paid by the corporation since those shares were taken.

The shares were taken at par; they are now selling at one hundred and five dollars each.

The first four hundred and forty-one shares, amounting to \$44,100, were paid for by a temporary loan of \$20,000, and the balance out of the ordinary receipts of the treasury.

For the last thirteen hundred and twenty-three shares, amounting to \$132,300, the treasurer gave his note to the treasurer of the Western Railroad Corporation, payable at the pleasure of the legislature, with interest at five per cent. up to the first of January inst., and at six per cent. after that time, until paid.

It will be for the legislature to say what provision shall be made to pay this note.

Independent of the amount for which the state has heretofore lent its credit to certain railroad corporations,—for which ample security has been given, and upon which there is no probability the state will ever be called on to pay any thing,—the debt of the Commonwealth, at this time, amounts to \$1,147,300 00 :—

The items of which debt are,—

The scrip issued to pay for the subscription to the Western Railroad stock,	\$995,000 00
The note to the treasurer of the Western Railroad Corporation, for the 1323 before-named shares,	132,300 00
And the note for the temporary loan, to pay the balance of 441 shares,	20,000 00
	<hr/>
	\$1,147,300 00

The scrip for the \$995,000 will be due in 1857.	
The available means of the state are the 11,764 shares which it owns in the Western Railroad Corporation, which, at par, is	\$1,176,400 00
To this should be added five per cent. for the present advanced value of the stock,	58,820 00
It is also proper to place with these means the amount of the Western Railroad Sinking Fund, which is intended to meet the scrip for the \$995,000 when it falls due, and which, at the past rate of increase, will be sufficient to pay the whole amount when due,	466,400 00
A house in Hancock Street,	12,500 00
Half of ten shares in South Boston Association,	1,500 00
	<hr/>
	\$1,715,620 00

The public funds belonging to the state are the Western Railroad Sinking Fund, already named,	\$466,400 00
The Massachusetts School Fund,	845,200 00
School Fund for the Indians,	2,500 00
Charles River and Warren Bridge Fund,	28,100 00
	<hr/>
	\$1,342,200 00

The public lands in the state of Maine, which belong to this Commonwealth, amount to two millions and three hundred thousand acres. If properly and judiciously managed, these lands will, for many years to come, be a source of valuable income to those who shall come after us. They may be made the means of elevating the character of our public schools, and of conferring upon multitudes of poor children the blessings of education.

In any condition of the treasury, the observance of a strict economy, on the part of public functionaries, is imperative. But I am sure, that, with the present financial condition of Massachusetts,—a condition existing without the imposition of a state tax upon the people,—you may look for the approbation of your constituents in making any reasonable expenditure of the revenues of the state which the public interest demands.

It sometimes happens, that appropriations for objects considerable in themselves, and some of them of doubtful propriety, are so multiplied during the course of a legislative session, as to swell the aggregate to a large amount.

This result can only be prevented by a careful scrutiny into the character and merits of every claim upon the treasury, before it receives the sanction of law.

In my annual communication to your immediate predecessors, I stated "that it was believed that the Commonwealth had an interest in, and a title to, certain lands in the harbor of Boston, known by the name of Flats; of the precise location, limits, and value, of which lands, I was not informed."

And "I suggested the propriety of some legislative provision in relation to the subject, with a view of obtaining correct information." No definite action was had upon the subject by that body, and I recommend it to your consideration.

These lands are becoming, every year, more valuable; and if the state has a valid title to the whole, or to any part of them, I know of no good reason why it should not avail itself of that title. It would be well, at least, to know what the rights of the state are; and as no department of the government has power to move in the matter, except the legislature, it rests with you to determine whether any thing shall be done or not.

The number and extent of railroads in operation within the state, and the number of accidents, many of them fatal to human life, which have occurred upon those roads, demand of the legislature the application of every means, which their wisdom can devise, to prevent the recurrence of such accidents in future.

These corporations exist by authority of law; and, in the legitimate exercise of the powers conferred upon them, the safety of thousands of the citizens of our own, and of other states, is committed to their charge.

The utmost that human foresight can suggest, to protect from danger those who travel on their roads, and are employed thereon, ought to be enjoined upon and required of them:

I submit the subject to your consideration and action, as one in which the public have the deepest interest.

The earnings of the state prison at Charlestown, for the past year, ending on the thirtieth day of September, exceed the expenditures, including the salaries of the officers, one hundred and twenty-six dollars.

The inspectors represent the affairs of the prison to be in a prosperous condition. There are several facts presented in the reports of the officers of the institution, well calculated to attract public attention. In his report the warden says, "there has been no death, no escape, no outbreak, no resistance of authority, and but few violations of the regulations and discipline of the prison, during the year." "Order, industry, good and kind feelings, have been the rule, and ill conduct, of any kind, only the exceptions."

The appointment of an agent, under a recent law of the State, to advise discharged convicts, appears to have been productive of much good to those for whose benefit it was intended. Those who have observed the state of the prison, for a few years past, I think, must be favorably impressed with the course of mild and gentle treatment which is observed towards the inmates of the prison.

It appears, from the report of the physician, that, from December, 1844, to the first of October, 1847, a period of nearly three years, but one death occurred among the prisoners, the whole number of whom, during that time, was five hundred and eighty.

During the whole of the last year, there was neither a death, nor a case of insanity, among three hundred and seventy-six different persons in prison. The amount expended for medicine, through the year, was less than thirty-five dollars, and that amount is about the annual average for the last three years.

A library, of five hundred volumes, belongs to the prison, to which the prisoners have access,—and most of them improve it. The chaplain speaks favorably of what he considers the moral feelings of these poor outcasts from society, made so by their own acts.

The Commonwealth has reason to be satisfied with the official conduct of the warden, and those associated with him in the management of the institution.

If the present condition of this prison does not go strongly to show that its system of prison discipline is the best system, it certainly proves that, when properly administered, it works well.

The present condition of the state lunatic hospital, at Worcester, bears the most convincing testimony to the wisdom of

the policy which founded that noble public charity. The number of the inmates of the institution keeps pace with its capacity to accommodate them.

It appears, from the report of the trustees, that they have made an addition to the buildings, for the use of females who are furiously insane, by extending what is called the Johonnot wing, at an expense of \$3662 08, which is less than the unexpended balance of the "Johonnot fund."

Hereafter, it is their purpose to use what remains of that fund, and the six thousand dollars appropriated by the legislature in 1847, in providing suitable apartments for males furiously insane.

The trustees speak in high terms of commendation of the management of the affairs of the institution by Dr. Chandler, and of the usefulness and fidelity of those associated with him in its various departments.

The ordinary expenses of the last year, including the payment of a previous balance of \$1772 80, against the hospital, amounted to	\$39,444 45
The receipts, to	45,662 92
Leaving a balance of receipts, of	6,218 47

The number of chronic patients is becoming larger, by being allowed to remain in the institution, from year to year, after there is an end of any reasonable hopes of their recovery. It is gratifying, however, to learn, that the proportion of those who go there in the early stages of their insanity is largely increasing, thus showing the confidence of the community in the institution, and that it is the means of restoring many to reason and to society, who, if long neglected, would have been hopelessly insane.

The report of the trustees also shows, that one fourth part of the whole number received at the hospital during the last year, were foreigners; whilst, of the whole number discharged, but one sixth part were foreigners.

The proportion of incurable cases, among those helpless, miserable strangers, thrown upon us from foreign countries, is much greater than that among our own people.

They have, this year, reduced the price of the board of the patients, from \$2 50, to \$2 33, per week, and it is hoped the financial condition of the hospital will soon enable them to make a further reduction.

What citizen of Massachusetts can look upon this excellent institution, which has been the means of restoring quiet and order to so many distracted minds and troubled bosoms, and bringing back joy and pleasure to so many unhappy and desolate families, and not feel a patriotic pride, in remembering that his own State so early, and so liberally, disbursed its funds, in providing an asylum and a remedy for the miserable.

But for the unhappy war, which still continues between our country and Mexico, the last year would have been one of gen-

eral and unalloyed prosperity to the people of this North American republic !

Though, in that war, the scene of action and of suffering has been transferred from our own territory to that of another country, yet the news of victory, on the borders, and in the interior of Mexico, has brought with it sorrow and woe to thousands of bereaved ones, whose friends have fallen in battle. When shall the sword cease to devour, and the blood of our own citizens, and that of the citizens of our sister republic, cease to flow ? No human foresight can predict that auspicious day.

If the result of this war is to be the conquest of the whole, or a large portion of the territory of Mexico, and its annexation to this republic, the consequences to be apprehended from such a result, to the peace and harmony of the people of the United States, are far more appalling than the war itself.

The question, whether the conquered territory shall be free or slave territory, and in due time formed into free or slaveholding states, already stirs up the minds of men, and of states, in different sections of this Union. There are indications, which cannot be mistaken, that, if this momentous question is forced upon the country, and its decision rendered necessary, by the accession of foreign territory, those who will take sides upon it are determined not to recede from their position.

Since the adoption of the federal constitution, foreign territory has been annexed to the United States, out of which five slave states have been formed, and admitted into the Union ; and one of those states embraces territory enough for as many more.

By their occupation and pursuits, and by their unalterable opinions upon the political and moral nature of the institution of slavery, the people of the free states are as effectually excluded from the common occupancy of a slave state, as the holders of slaves are from living in a free state. Is it right and just, for the friends of that institution to press the acquisition of more territory, to be carved out into slave states ?

In the assertion of their own rights, and in vindication of what they regard as the spirit of the constitution of the United States, and of the great truth, proclaimed to the world in the declaration of independence, that "all men are created equal," ought not the people of the free states to say to them, We desire no more territory ; and if you insist upon it, and will have it, when it comes, it must be free territory ?

Possessing a country large enough, in extent, for hundreds of generations yet to come, with the fate of nations maddened by the lust of conquest spread out before us on the pages of history, with the foreboding of that internal excitement, and that fearful sectional array of parties, determined not to yield their ground upon questions which have heretofore shaken this noble Union to its centre, in full prospect, if new territory is to be acquired, is it patriotic, is it wise, for our national council to push on this unfortunate war for purposes of conquest ?

Whether the territory of the enemy shall be conquered under the name of indemnity, or in the spirit of ambition grasping for more domain, when possessed, the question, shall it be free or slave territory, must be met and settled.

I hazard nothing in saying, that the great body of the people of this republic desire peace with Mexico,—a peace just and honorable to both parties. It would be neither just nor honorable, in our government, to demand of Mexico, in her weak and distracted condition, any terms of arrangement that it would not demand of a nation in all respects our equal, and with which such a nation could not with self-respect comply. The records of the past show that unrestrained power always has a specious pretext for its lawless exercise. Divided, prostrate, bleeding Poland, now in dismembered parts, agonizing under the cruel wrongs inflicted upon her by her plunderers, is a melancholy illustration of this truth. The authors of her injustice have brought upon themselves the endless detestation of mankind.

If this government should, because it has the physical power to do so, march on to the subjugation or the dismemberment of Mexico, or wring from her terms, which it would not have demanded of that illustrious and powerful nation with which we had, just previous to this war, arranged a difficulty of more complexity than that existing between us and Mexico, it would bring upon this republic the deserved reproach of all just men, and be sure, in the progress of our existence, to call down upon us, or upon our children, the retributive justice of Heaven.

All the glory which heroic deeds and unsurpassed valor can acquire in such a war, with such an enemy, has been acquired by our brave countrymen; but that glory has been won by a vast outlay of treasure and a melancholy sacrifice of human life.

Through the channels of trade and of commerce, our expended millions may again be brought back to enrich our citizens; but those regiments and brigades, of dauntless and vigorous young men, who have poured out their blood upon a foreign soil, or died of disease under a hostile climate, will return no more forever.

The monarchs and despots of Europe look with a strange and intense interest upon this contest between the two principal republics of the new world.

That august tribunal, the tribunal of mankind, out of respect to whose opinions our fathers, when they commenced their struggle for independence, felt bound to declare the reasons which impelled them to take up arms against the parent country, will pass judgment upon the sufficiency of the causes which have led us, now, when we are a numerous and powerful people, to prosecute a war against a feeble and poor neighbor.

And that Supreme Ruler of the world and Searcher of hearts,

to whom they appealed for the rectitude of their intentions and for the justice of their cause, will hold this people responsible for all the misery, blood, and guilt, of this war, which they might have prevented, or which they may now prevent, by observing, in their conduct towards Mexico, that divine rule of action, binding alike upon individuals and upon nations, of "doing unto others as we would that others should do unto us."

In countries whose rulers have usurped the government and trampled upon the rights of the people, the responsibility of war, and of other governmental acts, is thrown from the people upon their rulers. But, in a government like ours, where public officers are the chosen agents of the people, though those agents are amenable to their constituents for their official conduct, when that conduct is approved by the people, the responsibility rests on them.

That the government of Mexico owes a debt of some five or six millions of dollars to the citizens of this country, which by the laws of nations it is bound to pay, and which ought to have been paid long ago, does not admit of a doubt. It is equally true, that, at the time of the rupture of the friendly relations between the two governments, that debt was in the process of adjustment. Is it entirely clear that, in the differences between us, we have been quite faultless on our part, and that there are no wrongs on our part of which she has a right to complain? Each government charges upon the other the first act of war.

If she, as is alleged, struck the first blow, and we returned it in our own defence, have we, as the stronger party, carried the war no farther than, by the just principles of defensive war, we might carry it?

If hostilities were commenced, or are continued, on our part, because Mexico failed or neglected to pay an honest debt, or to chastise her for an insult offered to our government, in refusing to receive and accredit our public minister, may not the wisdom and the humanity of the policy of expending seventy-five or a hundred millions of dollars, in prosecuting such a debt, and of sacrificing ten thousand lives in resenting such an insult, be gravely called in question?

The whole subject of this war belongs to the people of the United States. Their interest and character are deeply involved in it. What is past of it belongs to history; what is to come, depends upon their government and upon themselves.

I should be remiss in a duty, second, in my opinion, in importance to no other belonging to the high official station to which I have been called by the suffrages of my fellow-citizens, if I failed to commend to your special care the interests of common schools, in this Commonwealth.

Our district schools are the intellectual and moral nurseries of the State. If cultivated with care and skill, that care and skill will be rewarded by a maturity of rich and precious fruit.

If neglected and left to make their way up, in the midst of briars and thorns, and, without protection, exposed to the vicissitudes of the seasons, a stunted and miserable growth will render them incapable of bearing fruit at all, or, if any appears, it will be worthless.

The cause of popular education, within a few years past, has received an onward impulse, and been advancing under the enactments of the legislature, and by the instrumentalities which they have created, in a manner in the highest degree encouraging to its most ardent friends.

The last year has exhibited more indications of a sure and vigorous progress than any preceding one. Our three state normal schools are in successful operation. They are sending out into different parts of the State well-qualified teachers. These schools, with their natural auxiliaries, teachers' institutes, held under the patronage of the legislature, and under the direction of the board of education, are inspiring the young men and women of the State who are engaged, or are about to be engaged, in the responsible and honorable business of teaching, with a desire for improvement, and an ambition to excel, worthy of the great work upon which they have entered.

The secretary of the board of education, in addition to his other arduous and pressing duties, has attended every teachers' institute, opened them by appropriate lectures, explaining their origin and character, and enforcing upon the minds of their members the importance of high and ample attainments, to those who take upon themselves the office of instructing the children and youth of the Commonwealth.

One of the most auspicious circumstances attending the holding those institutes, is the hearty good will with which they are received by the people in places where they are held, and the intelligent zeal and earnestness with which they give their influence to promote their success. The average attendance of scholars in the public schools shows an awakened interest on the part of those for whose benefit the foundations of those schools were laid.

It is, however, a melancholy truth that, in our own Commonwealth, too many children are permitted to grow up in ignorance and vice within reach and in sight of the most ample provisions for their instruction, offered to them without money and without price.

That parent, who refuses to send his children to the school established and opened in his neighborhood, does to those children a cruel injustice, and commits a flagrant wrong upon the community and state.

He may be allowed to make his home the dark abode of ignorance and stupidity to those children intrusted to his care by Providence; but surely he has no right, when they are grown up, to send them forth into society vicious men and women, to corrupt it by their example, or disturb its peace by their crimes.

It is alike the interest of the individual and of the public, that every child, within the limits of the Commonwealth, should receive the priceless blessing of a common-school education.

This has been the theory of our educational laws from the beginning. And, practically, every year, thousands of the children of the poor participate in their benefits.

I trust it will be your pleasure to do all in your power to extend those benefits still farther, until every child within the state shall be enlightened by their influence.

A few years since, the governor of one of our sister states, in his annual communication to the legislature, informed them that all efforts to extend to the children of the poor the benefits of education had failed, and recommended that they should bestow the balance of the money, which had been appropriated for that purpose, upon the higher seminaries of learning, or upon the colleges of the state.

How would such a proposition strike that portion of the poor men of Massachusetts, who now criminally neglect to send their children to school?

But even they need not fear, much as they neglect the great privilege held out to them. Before a chief magistrate of Massachusetts, standing in this high place, and addressing the assembled representatives of the people, will propose to withdraw from the children of the poor the means of a common-school education, Plymouth Rock and Bunker Hill must sink into the ocean, and the names of those illustrious and good men, who laid deep in our hard soil the foundations of free schools, must be blotted from the records of history.

Our bill of rights declares "that every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries which he may receive in his person, property, or character. He ought to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to law."

To accomplish this important end, the constitution provides for the establishment of judicial tribunals, and the appointment of judges; whose business it is to administer the laws. The character and number of those tribunals, and the number of judges, is left to the discretion of the legislature.

If the practical operation of any system, organized according to existing laws, is found inadequate to furnish a "certain remedy," "freely, completely, and promptly, and without delay," the remedy is within the constitutional power of the legislature. In such a case, no wise man can question the duty of applying it. The judicial tribunals of this Commonwealth, at this time, consist of a court of common pleas, with six judges, and a supreme judicial court, of four judges.

The court of common pleas has original jurisdiction in all civil actions, and in all criminal cases except capital offences.

The supreme judicial court has original and exclusive jurisdiction in all capital offences, and original jurisdiction in all civil cases in which the cause of action exceeds six hundred dollars in Suffolk, and three hundred dollars in all the other counties, and it is the ultimate tribunal for the decision of all questions of law which may be raised between litigating parties, before its own judges, or before the judges of any other courts in the Commonwealth.

The enlargement of the equity powers of that court by legislative enactments within the last few years, has very much increased the labors of its judges. It is also made the constitutional duty of the judges of that court to give their opinion upon such questions of law as may be from time to time submitted to them by the legislature, or by the governor and council.

It is quite obvious that the increase of our population, and the great increase of trade and business between the citizens of the state, has added very much to the business of this court as well as to that of the court of common pleas.

There is high authority for saying that, at this time, the business of that court is at least double what it was at the time of the separation between Massachusetts and the state of Maine.

The court then consisted of five judges; now it has but four.

Those judges are men of great moral worth, exemplary private character, able lawyers and jurists, ornaments to the high stations which they fill, and an honor to the Commonwealth whose judicial ministers they are. Their decisions are read with respect, and regarded as authority in all the courts of our sister states.

The whole of their time is faithfully and laboriously given to the fulfilment of their official duties.

From the beginning to the end of the year, those duties are pressing upon them, and they have no time for relaxation or repose. Of this, however, they do not complain.

Yet such is the amount of the business of their court, and the consequent increase of their labors, that they have not the physical power to keep up with it. They do all that they can do; but the force of the court is not sufficient for the prompt discharge of the business which is thrown upon it. The unavoidable consequence is, the accumulation of cases before them, and the inconvenient delay to parties. This great accumulation of business not only denies to parties a decision of their cases "promptly and without delay," but it leads to a burdensome and unreasonable increase of the costs of litigation.

This is a public evil experienced by the citizens of the Commonwealth, without fault on the part of the court; and it demands a remedy. For that remedy, the case addresses itself to

the wisdom of the legislature. It is believed, that the addition of another judge to this court would go very far towards effecting, if it would not entirely effect, this remedy. It would relieve the whole court from one fifth of the time now spent in trying cases at nisi prius, and give so much more time for the hearing, and deciding, questions of law.

I am persuaded that the public interest requires the appointment of another judge to the bench of the supreme judicial court, and, in the discharge of what I deem my official duty, I recommend a legal provision for such an appointment.

So far from the additional charge upon the treasury constituting a valid objection to the appointment of another judge, I am satisfied that such an appointment would save to the people annually, in the costs of litigation consequent upon the delay for the want of it, a larger amount than the salaries now paid to the whole court.

The question is entirely one of public convenience and of public good. It belongs exclusively to you, and I submit it to your mature deliberation.

Gentlemen of the Senate

and of the House of Representatives :

Before leaving your homes, you heard the sad news of the death of Samuel Hubbard, one of the associate justices of the supreme judicial court of Massachusetts. He died at his home in Boston on the twenty-fourth day of December last.

This is not the time nor the place to pronounce a eulogy upon his character. But it seems proper, and it will no doubt be in accordance with the best feelings of your heart, assembled here as we are in our official capacity, to pause, and pay a tribute of respect to one who, so recently, was a distinguished functionary in another department of this government.

Judge Hubbard was the youngest official member of the court. His brief period of service in the supreme judicial tribunal of his native state, was one of singular honor to himself, and of eminent usefulness to the public.

His profound, clear, discriminating, judicial mind, commanded the undivided respect of the legal profession, and secured the confidence of all who had official intercourse with him. The happy combination of magisterial dignity with a remarkable affability and gentleness of manner, won the esteem and respect of all who approached him.

He was the model of a Christian judge, a scholar and a gentleman. Whoever knew him in society loved him. In the church, he was "a brother beloved." With a heart full of benevolence, "he was interested in all the concerns of humanity." The beauty and loveliness of his parental and domestic character could only be fully known by that large, crushed, and

broken-hearted family circle, to whom he "was all the world." His death has spread the pall of sorrow over his surviving brethren of the bench, and is lamented and deplored, as an irreparable loss, by the whole people of the Commonwealth.

The name of SAMUEL HUBBARD will long be held in grateful remembrance—

"And, to add greater honors to his age
Than man could give him, he died, fearing God."

The death of such a man, and of such a magistrate, in the vigor of his intellect and in the midst of his usefulness, impressively illustrates the truth of an inspired prophet's declaration, "that all flesh is grass, and the goodness thereof is as the flower of the field."

M E S S A G E S .

To the House of Representatives :

I herewith transmit to the Honorable House, for the information of the two branches, the following documents received by me since the last session of the General Court.

1. Resolutions of Legislatures of Maine, Rhode Island, Connecticut and Tennessee, relating to the construction of a railroad from Lake Michigan to the Pacific Coast

2. Preamble and Resolutions of the Legislature of Connecticut, relating to the war with Mexico, and to the extension of slavery into any acquired or annexed territory.

3. Annual Report of the Trustees of the State Lunatic Hospital.

4. The Annual Reports of the Inspectors, Warden, Chaplain and Physician of the State Prison.

5. Report of the Land Agent of the Commonwealth, with the accompanying documents.

6. Report of the Trustees and Treasurer of the State Reform School.

7. Report of the Agent for discharged convicts.

8. Report of the Commissioners appointed in conformity to the act of 1846, chap. 245, in relation to the construction of a draw in the Newburyport Bridge.

9. Resolve of the General Assembly of the State of Rhode Island and Providence Plantations, ratifying the boundary line established by the commissioners of that State and Massachusetts.

Council Chamber, Jan. 14, 1848.

To the Senate :

I transmit the report of Benjamin Perley Poore, an agent appointed in May, 1845, under a resolve passed Jan. 23, 1845, "authorizing the governor to take such measures as he may deem expedient to procure the originals, if practicable, if not, copies of all such documents in the public offices of Great Britain and France, as, in his judgment, may serve to complete the records, or to illustrate the colonial, or other history of the Commonwealth."

Mr. Poore's labors were bestowed upon the documents referred to in the resolve, to be found in the public archives of France.

From the sources to which he, as an agent of this Commonwealth, was permitted to have access by the courtesy of the French government, he has "transcribed ten folio volumes of documents, commencing with the discovery of America, and extending down to 1780." Two large volumes of engraved maps, in addition to the ten volumes of documents, complete the collection.

It is due to Mr. Poore to say that his agency has been executed with great ability and fidelity.

The copies presented are executed in a style that very much adds to their value as public documents.

From the extent, variety and value of the documents obtained by Mr. Poore, and from the manner in which the whole work has been executed, it must be evident, to those who examine it, that his labors have far exceeded what was contemplated at the time of his appointment. The contents of the volumes will be a very great and valuable addition to the stores of historical knowledge to Massachusetts. Not doubting the willingness of the legislature to make to Mr. Poore a just remuneration for the important services which he has rendered the Commonwealth, I recommend such further provision for that purpose as those services require. I communicate herewith a letter from Mr. Jared Sparks, and from J. G. Palfrey, late secretary of the Commonwealth, which go to show the nature, extent, and value of the documents procured by Mr. Poore.

Council Chamber, January 18, 1848.

To the Senate :

I transmit herewith to the Honorable Senate, for the use of the Legislature, the report of the commissioners appointed under a resolve of February 27, 1844, to ascertain and establish the true boundary line between Massachusetts and Rhode Island from Pawtucket Falls to Bullock's Neck, and a Minority Report on the same subject; and a report of the commissioners appointed under the resolve of April 26, 1847, to arrange a system for the organization and discipline of the militia of this Commonwealth.

Council Chamber, January 20, 1848.

To the House of Representatives :

I transmit herewith, to the Honorable House, for the use and information of the two branches, the report of the late adjutant general of the Commonwealth, for the last political year.

Council Chamber, January 22, 1848.

To the Senate :

I transmit to the Honorable Senate, for the use of the Legislature, the report of the commissioners for "erecting the State Reform School buildings."

Council Chamber, January 26, 1848.

To the Senate :

I transmit to the Honorable Senate, for the use of the Legislature, the annual report of the commissioner of the district of Marshpee, and the treasurer of the Herring Pond Indians.

Council Chamber, January 29, 1848.

To the Senate :

I communicate herewith, to the Honorable Senate, for the information of the Legislature, the petition of Foxhall A. Parker, commandant at the Navy Yard, Charlestown, asking the Commonwealth "to cede to the United States the jurisdiction of the marsh land of the naval hospital grounds at Chelsea, for the purpose of improvement by the United States, as a depot of ordnance stores;" also a letter from the secretary of the navy, and one from Commodore Parker, on the same subject.

Council Chamber, January 29, 1848.

To the House of Representatives :

I transmit to the Honorable House, for the use of the Legislature, a report of the commissioner appointed under a resolve of April 8th, 1846, "relating to the Survey of the Harbor of New Bedford."

Council Chamber, Feb. 23, 1848.

To the Senate :

I herewith transmit, for the Legislature, a letter received from Louisa Catherine Adams, the widow of John Quincy Adams, acknowledging the receipt of the resolutions passed by the legislature, as testimonials of respect for her lamented husband.

Council Chamber, March 15, 1848.

To the House of Representatives :

I transmit to the House of Representatives, for the use of the Legislature, a communication from the American Consul at St. Johns, New Brunswick, concerning European immigrants arri-

ving in New Brunswick and Canada; also, the copy of an act to increase the tax on immigrants, which has recently passed the Canadian House of Assembly, now in session.

Council Chamber, March 20, 1848.

To the Senate:

I herewith transmit, for the use of the Legislature, the resolutions of the Legislature of Pennsylvania, expressive of their estimate of the character and public services of our lamented, beloved fellow-citizen, John Quincy Adams, and "their sympathy with the people of Massachusetts, and the whole Union, in the loss sustained by his death."

The beautiful sentiments of these resolutions, so chastely and forcibly expressed, and the appropriate and dignified terms in which they are communicated by the governor of that great Commonwealth, are eminently calculated to strengthen those feelings of patriotic brotherhood which animated the hearts of the people of Pennsylvania and Massachusetts towards each other, in the common struggle for that liberty, which they established for themselves and for their posterity, and the desire for which is, at this moment, shaking the monarchies and despotisms of the old world.

Council Chamber, April 21, 1848.

To the House of Representatives:

I herewith transmit to the Honorable House, for the information of the Legislature, the following resolutions from the states named:—

1. Resolutions from the states of Maryland, Alabama, Vermont, and Georgia, in favor of the plan of a railroad from Lake Michigan to the Pacific Ocean, proposed by Mr. Asa Whitney, of New York.

2. Resolutions from the states of Alabama and Texas, concerning the war with Mexico, the tariff, slavery, and the Wilmot proviso.

3. Resolutions from the states of Rhode Island and Mississippi, concerning the war with Mexico.

Council Chamber, April 27, 1848.

LIST
OF THE
CIVIL GOVERNMENT
OF THE
Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR 1848.

HIS EXCELLENCY
GEORGE N. BRIGGS,
GOVERNOR.

HIS HONOR
JOHN REED,
LIEUTENANT GOVERNOR.

COUNCIL.
JOHN P. BIGELOW,
CHARLES RUSSELL,
JESSE MURDOCK,
JOHN PORTER,
JOHN CHAPMAN,
ABRAHAM R. THOMPSON,
GEORGE BLISS,
WILLIAM MITCHELL,
EDWARD L. KEYES.

WILLIAM B. CALHOUN,
Secretary of the Commonwealth.

William Tufts, 1st Clerk,

Charles W. Lovett, 2d Clerk.

JOSEPH BARRETT,
Treasurer and Receiver General of the Commonwealth.

Joseph Foster, 1st Clerk,

David Wilder, Jr., 2d Clerk.

SENATE.

ZENO SCUDDER,

PRESIDENT.

SUFFOLK DISTRICT.

William T. Eustis,
James Clark,
Joseph Bell,

Hosea Ilsley,
*Isaac Adams.

ESSEX DISTRICT.

John W. Lowe,
Jonathan C. Perkins,
James Gregory,

Charles H. Balch,
Ezekiel J. M. Hale.

MIDDLESEX DISTRICT.

Joseph T. Buckingham,
Calvin Shepard,
David Heard,

Albert H. Nelson,
Tappan Wentworth,
Christopher W. Bellows.

WORCESTER DISTRICT.

George Denny,
Nahum F. Bryant,
Alfred D. Foster,

Alanson Hamilton,
John Brooks.

HAMPSHIRE DISTRICT.

Levi Taylor,

Ephraim M. Wright.

FRANKLIN DISTRICT.

Jonathan Blake,

Charles Devens, Jr.

* In place of GEORGE T. BIGELOW, resigned.

SENATE.

HAMPDEN DISTRICT.

Edward Parsons,

Willis Phelps.*

BERKSHIRE DISTRICT.

Charles H. Plunkett,

John Z. Goodrich.

NORFOLK DISTRICT.

Truman Clarke,

James C. Doane.

David A. Simmons,

PLYMOUTH DISTRICT.

William H. Wood,

William James.

BRISTOL DISTRICT.

Ezekiel Sawin,

Orin Fowler.

Cromwell Leonard,

BARNSTABLE DISTRICT.

Zeno Scudder,

George Copeland.

NANTUCKET AND DUKES CO. DISTRICT.

Thomas Bradley.

CHARLES CALHOUN, *Clerk.*

W. P. GREGG, *Assistant Clerk.*REV. C. A. BARTOL, *Chaplain.*WILLIAM M. WISE, *Doorkeeper.*TILSON FULLER, *Page.*

* In place of WILLIAM B. CALHOUN, elected Secretary of the Commonwealth.

HOUSE OF REPRESENTATIVES.

F. B. CROWNINSHIELD,

S P E A K E R.

COUNTY OF SUFFOLK.

Boston,

William T. Andrews,
John Boles,
Osmyn Brewster,
Asa Brown,
Albert Bowker,
Henry G. Clark,
F. B. Crowninshield,
George W. Crockett,
Charles E. Cook,
Nathaniel W. Coffin,
William Denton,
James Dugan,
William Eaton,
William Freeman,
Kimball Gibson,
Joel Giles,
John C. Gray,
George E. Head,
William Hayden,
Sewall Kendall,
George H. Kuhn,
Frederick W. Lincoln, Jr.,
Caleb Metcalf,
William Parker,
Samuel S. Perkins,
Freeman C. Raymond,

Boston,

Benjamin P. Richardson,
 Benjamin Smith,
 Benjamin Seaver,
 J. V. C. Smith,
 Philo Sanford,
 Artemas Simonds,
 Enoch Train,
 Samuel Topliff,
 Charles A. Wells,
 Moses Nowell.

*Chelsea,**North Chelsea,*

COUNTY OF ESSEX.

*Amesbury,**Andover,*

William Stevens,
 Asa A. Abbott,
 William H. Lovett,
 Paul Hildreth,

*Beverly,**Boxford,**Bradford,**Danvers,*

Elijah W. Upton,
 Joshua Silvester,

*Essex,**Georgetown,**Gloucester,**Hamilton,**Haverhill,**Ipswich,**Lawrence,**Lynn,*

Levi Patch,
 Benjamin Page,
 Alfred M. Farley,

Hiram N. Breed,
 Charles Merritt,
 James M. Usher,
 William V. Munroe,
 Josiah Newhall,
 John Lee,
 Robert H. Bessom,
 John Swett,

*Lynnfield,**Manchester,**Marblehead,**Methuen,**Middleton,*

<i>Newbury,</i>	Enoch Hale,
<i>Newburyport,</i>	Andrew W. Miltimore,
<i>Rockport,</i>	Ebenezer Bradbury,
<i>Rowley,</i>	John Proctor,
<i>Salem,</i>	Henry Russell,
	Otis P. Lord,
	Eleazer M. Dalton,
	John S. Williams,
	Joshua Safford,
	Willard P. Phillips,
<i>Salisbury,</i>	Joshua M. Pike, Jr.,
<i>Saugus,</i>	Sewall Boardman.
<i>Topsfield,</i>	
<i>Wenham,</i>	
<i>West Newbury,</i>	

COUNTY OF MIDDLESEX.

<i>Acton,</i>	
<i>Ashby,</i>	Alfred Hitchcock,
<i>Ashland,</i>	
<i>Bedford,</i>	Amos B. Cutler,
<i>Billerica,</i>	Harvey Crosby,
<i>Boxboro',</i>	
<i>Brighton,</i>	John Sargent,
<i>Burlington,</i>	Stephen T. Farwell,
<i>Cambridge,</i>	William Wyman,
	Benjamin F. Heald,
<i>Carlisle,</i>	
<i>Charlestown,</i>	Harvey Silver,
<i>Chelmsford,</i>	Samuel Staples,
<i>Concord,</i>	John Stevens,
<i>Dracut,</i>	
<i>Dunstable,</i>	
<i>Framingham,</i>	Charles R. Train,
<i>Groton,</i>	George S. Boutwell,
<i>Holliston,</i>	
<i>Hopkinton,</i>	Augustus Phipps,

Lexington,
Lincoln,
Littleton,
Lowell,

Malden,
Marlboro',
Medford,
Natick,
Newton,
Pepperell,
Reading,
Sherburne,
Shirley,
Somerville,
South Reading,
Stoneham,
Stow,
Sudbury,
Tewksbury,
Townsend,
Tyngsboro',
Waltham,
Watertown,
Wayland,
West Cambridge,
Westford,
Weston,
Wilmington,
Woburn,

Philip Russell,

James Kimball,
Ransom Reed,
Horatio G. F. Corliss,
James Fenno,
Stephen Moar,
Samuel W. Brown,
Joel Powers,
Sidney Spalding,
Benjamin Green,
Gilman Gale,
Lemuel Cox,
David Goodale,
Joseph P. Hall,

Marshall S. Rice,
Charles Farrar,

Charles Butler,

Lilley Eaton,

Ephraim Hale,
Noah Parmeter,
Jacob Coggin,
Joel Kendall,
Zephaniah Bennett,

William Baldwin,
William Dickson,

Otis Train.

COUNTY OF WORCESTER.

<i>Ashburnham,</i>	
<i>Athol,</i>	Lysander Fay,
<i>Auburn,</i>	
<i>Barre,</i>	Walter A. Bryant,
<i>Berlin,</i>	
<i>Bolton,</i>	
<i>Boylston,</i>	Henry H. Brigham,
<i>Brookfield,</i>	
<i>Charlton,</i>	Simeon Lamb,
<i>Dana,</i>	Daniel Stone,
<i>Douglas,</i>	Asahel Aldrich,
<i>Dudley,</i>	Moses Barnes,
<i>Fitchburg,</i>	Nathaniel Wood,
<i>Gardner,</i>	Asaph Wood,
<i>Grafton,</i>	
<i>Hardwick,</i>	
<i>Harvard,</i>	Ebenezer Willard,
<i>Holden,</i>	Samuel D. Greenwood,
<i>Hubbardston,</i>	William Bennett, Jr.,
<i>Lancaster,</i>	Ezra Sawyer,
<i>Leicester,</i>	Dwight Bisco,
<i>Leominster,</i>	Charles W. Wilder,
<i>Lunenburg,</i>	
<i>Mendon,</i>	{ Benjamin D. Peck,
<i>Blackstone,</i>	
<i>Milford,</i>	Alfred Bragg,
<i>Millbury,</i>	
<i>New Braintree,</i>	
<i>Northboro',</i>	Caleb Maynard,
<i>Northbridge,</i>	
<i>North Brookfield,</i>	
<i>Oakham,</i>	
<i>Oxford,</i>	
<i>Paxton,</i>	
<i>Petersham,</i>	Lyman Robinson,
<i>Phillipston,</i>	Jason Goulding,
<i>Princeton,</i>	Caleb S. Mirick,
<i>Royalston,</i>	Silas Kenney,

Rutland,
Shrewsbury,
Southboro',
Southbridge,
Spencer,
Sterling,
Sturbridge,
Sutton,
Templeton,
Upton,
Uxbridge,
Warren,
Webster,
Westboro',
West Boylston,
Westminster,
Winchendon,
Worcester,

William F. Davis,

Milton Boyden,
William D. Peck,
Francis W. Emmons,
Zadock Woodbury,
Artemas Lee,

Lewis Moore,

Lawson Harrington,
Amos Child,

Alexander H. Bullock,
Peregrine B. Gilbert,
Samuel Davis.

COUNTY OF HAMPSHIRE.

Amherst,
Belchertown,
Chesterfield,
Cummingtown,
Easthampton,
Enfield,
Goshen,
Granby,
Greenwich,
Hadley,
Hatfield,
Middlefield,
Northampton,

Norwich,
Pelham,

Alfred Baker,
Harrison Root,

Royal Joy,

Giles C. Kellogg,
Elisha Wells,

Erastus Hopkins,
Charles F. Smith,

Calvin D. Eaton,

Plainfield,
Prescott,
South Hadley,
Southampton,
Ware,
Westhampton,
Williamsburg,
Worthington,

Andrew Hyde,
 Titus Clark,
 Noah L. Strong,
 Arthur L. Devens,

 Elisha H. Brewster.

COUNTY OF HAMPDEN.

Blandford,
Brimfield,
Chester,
Granville,
Holland,
Longmeadow,
Ludlow,
Monson,
Montgomery,
Palmer,
Russell,
Southwick,
Springfield,

Alured Homer,

 Carlos Gibbons,

 Alford Cooley,
 Eli M. Smith,
 William N. Flynt,

 Calvin Torrey,

 Eli L. Moore,
 William Dwight,
 Timothy W. Carter,
 Titus Amadon,
 Joseph D. Decreet,
 Silas Mosman, Jr.,
 Henry A. Bills,

 Israel Sackett,
 Josiah S. Knowles,

 John Smith.

Tolland,
Wales,
Westfield,

West Springfield,
Wilbraham,

COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Samuel W. Hall,
<i>Bernardston,</i>	
<i>Buckland,</i>	William Sherwin,
<i>Charlemont,</i>	
<i>Coleraine,</i>	William J. Davis,
<i>Conway,</i>	John Clary,
<i>Deerfield,</i>	
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	Whiting Griswold,
<i>Hawley,</i>	Thomas Longley,
<i>Heath,</i>	Presbury Hillman,
<i>Leverett,</i>	Jefferson Moore,
<i>Leyden,</i>	Jesse Henry,
<i>Monroe,</i>	
<i>Montague,</i>	Joseph Clapp,
<i>New Salem,</i>	Josiah Thompson,
<i>Northfield,</i>	
<i>Orange,</i>	Joel Davis,
<i>Rowe,</i>	Solomon Amidon,
<i>Shelburne,</i>	Asa Severance,
<i>Shutesbury,</i>	
<i>Sunderland,</i>	Rodolphus B. Hubbard,
<i>Warwick,</i>	Ira Draper,
<i>Wendell,</i>	
<i>Whately,</i>	Chester Bardwell, 2d.

COUNTY OF BERKSHIRE.

<i>Adams,</i>	Henry L. Dawes,
	Dallas J. Dean,
<i>Alford,</i>	
<i>Becket,</i>	Stephen W. Carter,
<i>Cheshire,</i>	
<i>Clarksburg,</i>	
<i>Dalton,</i>	
<i>Egremont,</i>	Loomis Austin,

<i>Florida,</i>	Daniel Bradley,
<i>Great Barrington,</i>	Joshua R. Lawton,
<i>Hancock,</i>	Leonard Doty,
<i>Hinsdale,</i>	
<i>Lanesboro',</i>	
<i>Lee,</i>	Henry Smith,
<i>Lenox,</i>	Erastus Dewey,
<i>Monterey,</i>	
<i>Mount Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	
<i>Otis,</i>	Frederic T. Wallace,
<i>Peru,</i>	
<i>Pittsfield,</i>	John V. Barker,
	Richard C. Cogswell,
<i>Richmond,</i>	
<i>Sandisfield,</i>	
<i>Savoy,</i>	
<i>Sheffield,</i>	Billings Palmer,
<i>Stockbridge,</i>	Daniel B. Fenn,
<i>Tyringham,</i>	John Branning,
<i>Washington,</i>	
<i>West Stockbridge,</i>	Thomas W. Barnes,
<i>Williamstown,</i>	Daniel N. Dewey,
<i>Windsor,</i>	Henry A. Pierce.

COUNTY OF NORFOLK.

<i>Bellingham,</i>	
<i>Braintree,</i>	
<i>Brookline,</i>	John Howe,
<i>Canton,</i>	
<i>Cohasset,</i>	Solomon J. Beal,
<i>Dedham,</i>	Ezra Wilkinson,
<i>Dorchester,</i>	William Peirce,
	Edward H. R. Ruggles,
<i>Dover,</i>	
<i>Foxboro',</i>	
<i>Franklin,</i>	Paul B. Clark,

<i>Medfield,</i>	Jonathan P. Bishop,
<i>Medway,</i>	Nathan Jones,
<i>Milton,</i>	Jason Reed,
<i>Nedham,</i>	Thomas Kingsbury,
<i>Quincy,</i>	
<i>Randolph,</i>	Eleazer Beal, Jr.,
<i>Roxbury,</i>	John B. Jones,
	Francis Hilliard,
	Edward Turner,
<i>Sharon,</i>	
<i>Stoughton,</i>	
<i>Walpole,</i>	Francis W. Bird,
<i>Weymouth,</i>	
<i>Wrentham,</i>	Samuel Warner, Jr.

COUNTY OF BRISTOL.

<i>Attleboro',</i>	James Rider,
<i>Berkley,</i>	Abner R. Tucker,
<i>Dartmouth,</i>	William T. Rose,
<i>Dighton,</i>	
<i>Easton,</i>	George Mendell,
<i>Fairhaven,</i>	Isaac Wood, Jr.,
<i>Fall River,</i>	David Perkins,
	Hezekiah Battelle,
	William R. Robeson,
<i>Freetown,</i>	William B. Staples,
<i>Mansfield,</i>	Elijah Hodges,
<i>New Bedford,</i>	William J. Rotch,
	Richard A. Palmer,
	Luther Baker,
	Calvin Staples,
<i>Norton,</i>	
<i>Pawtucket,</i>	Nahum Bates,
<i>Raynham,</i>	
<i>Rehoboth,</i>	Thomas Perry,
<i>Seekonk,</i>	Leonard Walker,
<i>Somerset,</i>	

<i>Swanzy,</i>	Jonathan Barney,
<i>Taunton,</i>	Alvan Cobb,
	James M. Williams,
	Samuel Cain, Jr.,
<i>Westport,</i>	Benjamin B. Sisson.

COUNTY OF PLYMOUTH.

<i>Abington,</i>	
<i>Bridgewater,</i>	
<i>Carver,</i>	Timothy Cobb,
<i>Duxbury,</i>	
<i>East Bridgewater,</i>	
<i>Halifax,</i>	
<i>Hanover,</i>	
<i>Hanson,</i>	
<i>Hingham,</i>	John K. Corbett,
<i>Hull,</i>	
<i>Kingston,</i>	Elkanah Cushman,
<i>Marshfield,</i>	Daniel Phillips,
<i>Middleboro',</i>	Nahum M. Tribou,
	Cephas Shaw,
<i>North Bridgewater,</i>	Josiah W. Kingman,
<i>Pembroke,</i>	
<i>Plymouth,</i>	James Thurber,
	Truman Bartlett,
<i>Plympton,</i>	
<i>Rochester,</i>	Nathan S. Clark,
	Solomon K. Eaton,
<i>Scituate,</i>	
<i>Wareham,</i>	Benjamin Savery,
<i>West Bridgewater,</i>	Austin Packard.

COUNTY OF BARNSTABLE.

<i>Barnstable,</i>	Josiah Hinckley,
	Samuel A. Wiley,
<i>Brewster,</i>	Albert P. Clark,
<i>Chatham,</i>	Samuel Doane,

Dennis,
Eastham,
Falmouth,
Harwich,
Orleans,
Provincetown,
Sandwich,

Truro,
Wellfleet,
Yarmouth,

William Howes,
 Barnabas Doane,
 Knowles Butler,
 Cyrus Weeks,
 Alexander Kenrick,

F. B. Dillingham,
 Henry Bourne,
 Jediah Shed,
 Caleb Lombard,
 Samuel Matthews.

DUKES COUNTY.

Chilmark,
Edgartown,
Tisbury,

Sirson P. Coffin.

COUNTY OF NANTUCKET.

Nantucket,

Joseph Mitchell,
 William Barney,
 David Baker,
 Justin Lawrence.

CHARLES W. STOREY, *Clerk.*

REV. SILAS AIKEN,
 REV. S. HALE HIGGINS, } *Chaplains.*

BENJAMIN STEVENS, *Sergeant-at-Arms.*

THOMAS R. SPEAR, *Messenger to the Governor and Council.*

ALEXIS POOLE, *Doorkeeper.*

DAVID MURPHY, *Messenger.*

TIMOTHY HAYES, *Assistant Messenger.*

WILLIAM L. CHAMPNEY, *Page.*

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, JUNE 17th, 1848.

I HEREBY CERTIFY, that the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals in this office.

WILLIAM B. CALHOUN,

Secretary of the Commonwealth.

APPENDIX.

TESTIMONIALS OF RESPECT

TO THE

Memory of John Quincy Adams,

BY THE

LEGISLATURE OF MASSACHUSETTS.

Commonwealth of Massachusetts.

IN SENATE, April 26, 1848.

ORDERED, That the Committee appointed to request a copy of Mr. Everett's Eulogy for publication, be directed to prepare, and furnish to the Secretary of the Commonwealth, a statement of the proceedings of the Legislature in relation to the death of John Quincy Adams, for publication with the Laws and Resolves of the present session.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, April 26, 1848.

Concurred.

CHAS. W. STOREY, *Clerk.*

Commonwealth of Massachusetts.

IN SENATE, Feb. 25, 1848.

Immediately after the reading of the journal, Mr. Buckingham, a senator from Middlesex, rose and spoke as follows, viz. :—

MR. PRESIDENT :—

I respectfully ask the Senate to suspend, for a few minutes, the ordinary course of business, and to allow me to offer an order, for the consideration of which the present moment seems to be appropriate.

The annunciation I am about to make must have been already anticipated. Willingly would I have transferred the melancholy task to lips more eloquent than mine. Sadly have I undertaken to perform a duty imposed upon me by the suggestions of those, who have a right to require my service, and whose counsel I am bound to treat with respect.

Our fellow-citizen—JOHN QUINCY ADAMS—our brother—for he was a son of Massachusetts—is no more. The accomplished scholar, the true-hearted patriot, the exalted statesman, the exemplary Christian, is no more.

This is not the time, nor the place, nor am I the man, to pronounce his eulogy or to portray his character. The circumstances attending his death call for no rehearsal here.

His country is the stage on which he has performed a glorious part,—admiring nations have been spectators of his deeds,—the world has applauded,—approving Heaven and grateful posterity will bestow the recompense of reward.

Devoted to the welfare and prosperity of his country,—ever anxious to defend her from insult and injury,—proud of her rank among the nations of the earth,—but yesterday, as it were, he stood at his post, a watchman on the walls of Freedom's citadel. To-day his nerveless frame is cold, and his lifeless dust will to-morrow be

united with its kindred relics of mortality. His immortal part has entered the portals of eternity, and the door is shut. Beyond that awful partition no mortal eye can trace his progress ; but we humbly trust that his spirit is now a welcome and delighted guest in the Society of the Just made perfect, enjoying the vision of God.

The lips of that “old man eloquent” are cold and motionless ; the eye that beamed intelligence is sealed in that “sleep that knows no waking ;” the voice, so often heard pleading the cause of oppressed humanity, is hushed in the silence of death ; his heart, whose every pulsation was a token of rebellion against unrighteous power, or a struggle for human freedom, has ceased to move. But his virtues will forever bloom by the side of the river of the water of life, and shed their fragrance over the country they have honored, adorned and blessed.

Mr. President, I move the adoption of the following order :—

Whereas, intelligence has been received from Washington, announcing the death of the Hon. John Quincy Adams, Ex-President of the United States, and Representative in Congress from this Commonwealth ; therefore,—

Ordered, That ———, with such as the House may join, be a Committee to consider and report what measures it may be proper for the Legislature to adopt as a testimonial of its gratitude for the public services, and respect for the memory, of the illustrious dead.

And said order was unanimously adopted, and

Messrs. BUCKINGHAM, of Middlesex,

BIGELOW, of Suffolk,

PHELPS, of Hampden,

DOANE, of Norfolk, and

BRADLEY, of Nantucket and Dukes County,

were appointed on the part of the Senate.

On motion of Mr. Denny, of Worcester, the Senate then adjourned.

HOUSE OF REPRESENTATIVES, Feb. 25, 1848.

The Order from the Senate, providing for a Committee to consider what measures were necessary to be taken in consequence of the death of JOHN QUINCY ADAMS, came down for concurrence, and was read from the Chair.

Mr. Bullock, of Worcester, then rose and spoke as follows :—

MR. SPEAKER :—

The Order which has been read from the Chair, has brought to the House the melancholy intelligence, of which we were before, with too much certainty, apprised. JOHN QUINCY ADAMS is no more ! He expired in the capitol, at Washington, night before last. He died, as he lived, in the service of his country. In his place in the House of Representatives, consecrated to history by his labors of nearly twenty years for Massachusetts and the Union, he was stricken with the approaching agonies of death. He breathed his last sigh amid the scenes of his former glory. There is a providence and sublimity in the coincidence, by which the great actions of his life and the last whisper of his departing spirit are made to hallow one and the same spot.

Although we have all been aware, for some time past, of the tremulous tenure by which this beloved and venerable statesman maintained his hold upon life, yet not till now have we apprehended, to its full extent, the appalling event. When the first intelligence reached us, at once all hearts were heavy and sad. Every body felt kindness, affection, reverence for the aged Ex-President. His name had become so blended with our associations of the past, his fame rendered so largely historic and so dear to us, that it seemed like snapping the tie that bound the last to the present generation of men.

It would not be quite proper in me to pass in review all the leading events in the life of this great man. They are in history familiar to all men. They date back to a period prior to our present form of government. He had a fame, at home and abroad, before we had a Constitution. In the dawn of his manhood, he received the marked confidence of WASHINGTON. Early in life he represented Massachusetts in the national Senate. The sagacious MADISON entrusted to him a position in the most important and delicate international commission known to modern times. The war closed, and it was JOHN QUINCY ADAMS who then guided the administration of MONROE through its perilous trials of policy. The world recognized his great abilities as a statesman, and the masters of diplomacy welcomed the light of his learning with a new joy. During four years he presided over the republic, the muse of history shall say with what fidelity and impartiality, with what dis-

criminating regard for her advancing prosperity and renown, with what ability of conception and comprehensive scope of policy, whether with an eye to his own aggrandizement, or, rather, with his eyes directed to the welfare of his whole country, and the approving smile of that Being to whose rewarding judgment he has now penetrated within the veil. Of his subsequent services as a Massachusetts Representative in Congress,—but that is in all our hearts, with the freshness of yesterday.

Truly, Mr. Speaker, this remarkable man has come down to us from the Revolution: has mingled conspicuously in all great public events, from the morning of the republic until now. He has been the cotemporary of three generations. When I reflect, how varied his knowledge, affluent with the contributions of all ages and all climes, attuned to all languages, adapted to every department of human research and inquiry,—the learning of the world gathered in, stored, embellished,—I can feel the force of the remark of the Roman orator, upon a kindred occasion, that it is to be regretted that such a man must ever die!

But the pall has fallen. Our beloved state mourns at the grave of a favorite son. It seems but a day since the national courts were hung in sable, in memory of another of her sons, who, dying, left the jurisprudence of his country bereft of its brightest ornament and noblest benefactor. Wherever law shall be respected, and Christian jurisprudence have its votaries, many eyes will kindle with affection at the name of STORY. Whenever and wherever Christian patriotism shall be cherished, or civil liberty have a friend or a foe, there will not be wanting those who shall love to do honor to the name of ADAMS.

Both hemispheres will bear witness to his recorded honors; but his native state will hold him in nearer memory. She will remember that he never declined to stand up for her name and character, to honor and defend her. She will cherish his irreproachable Christian character. She will record his name high up, beyond the reach of envy or ambition, that the coming and departing myriads of her sons may gaze upon it from age to age. It shall inspire them with a reinvigorated love of liberty. It shall enlarge their sympathies for oppressed humanity. And there, sir, it shall remain, through the vicissitudes which surround human institutions, worthy to claim a fellowship with the name of WASHINGTON.

Mr. Dwight, of Springfield, next addressed the Chair, as follows:—

MR. SPEAKER:—

A learned, eloquent, faithful public servant has found “the end of earth.” Venerable and full of years, full of honors, of knowledge, of learning, full of the spirit of liberty, with his natural force hardly abated, his natural vigor unvanquished, he has fallen in the midst of his labors,—on the field of his bloodless fame, *felix non vitæ claritate sed etiam opportunitate mortis*,—a hero of admired courage and unstained hands,—a champion with no other sword than that of the spirit, but dreaded by the oppressor and loved by the oppressed. He was the living history of our country. His public life was coeval with the foundation of the republic. Born before the Revolution, his youth was informed by its spirit,—his family illustrated by its deeds,—he conversed and counselled with Washington, with Jefferson, with Madison, and with Monroe; and was connected, at home or abroad, with the administration of each; and, in his own administration, he was the representative of the fathers of the republic.

But, so imbued with the spirit of the fathers of the republic, that his character seemed an embodiment of the heroic past, with singular felicity, he, a remnant of a past generation lingering on the stage of action, connected himself more with the future than with the past. He shadowed forth the ideas by which the world is to be carried along in its future progress; he was the champion of human rights not yet vindicated, and which are yet, for a long time, to agitate the world,—he led the van in the contest of liberty against slavery,—the future history of the country is to be influenced, moulded, formed, shaped more by his spirit than by that of any other man of the age.

Channing was the silent student, the eloquent expounder of the rights of man. Adams was, in living action, their defender, champion, vindicator. Webster is the able expounder of the Constitution and the friend of well-regulated liberty; Adams himself administered the Constitution in its true spirit, and *his* life is the history of republican liberty and democratic freedom.

A Statesman,—who ever equalled him in knowledge of government, of history, of diplomacy, of public law? A Patriot,—who ever devoted his life so faithfully, so laboriously, so conscientiously to the service of his country? A Man of Science,—who ever was

more faithful to the interests of learning? A Christian,—who ever carried into the highest station more of the humility of his Master?

It may be that few names of this generation will survive on the stormy tide of time, but as long as the names of the elder and younger Scipio,—as long as the names of the elder and younger Pitt,—so long will the names of the elder Adams and his greater son survive. It may be, we shall fail in our experiment of self-government; but, venerable man! mighty sage! noble champion of freedom! nothing can rob our institutions of the glory of having produced such a man.

The Speaker then said, All those in favor of adopting the order will signify the same by rising. Each member rose in his place in silence, and it was declared to be a unanimous vote.

The Speaker then appointed, as the Committee on the part of the House,—

Messrs. BULLOCK, of Worcester,
 DWIGHT, of Springfield,
 GRAY, of Boston,
 BOUTWELL, of Groton,
 KELLOGG, of Hadley,
 WILKINSON, of Dedham,
 DEWEY, of Williamstown,
 BRADBURY, of Newburyport,
 BAKER, of New Bedford, and
 HINCKLEY, of Barnstable.

Mr. Baker, of New Bedford, then rose and said,—

MR. SPEAKER :—

The announcement of the solemn event which has just been given to this House, of the removal of the Hon. JOHN Q. ADAMS from the scene of his useful and faithful labors, by a sudden death, induces me to say that I am deeply sensible of the solemn effect which is produced on the mind of every member of this House. It is a loss which is deeply felt, not only by this body, but by the whole of his countrymen, who have, by his eminent and untiring services, instruction and counsel, been aided to rise to the eminent station which this republic, at this time, occupies among the most

distinguished nations of the earth. Under a deep sense, therefore, of the loss which we have sustained, of the unfading honors due to the departed, and the sorrow which fills our hearts, I move that the House do now adjourn.

The motion was carried unanimously, and, at 12 o'clock, the House adjourned.

IN SENATE, Feb. 26, 1848.

Mr. Buckingham, from the Select Joint Committee, appointed to consider and report what measures it may be proper for the Legislature to adopt, as a testimonial of gratitude for the public services, and respect for the memory, of the late JOHN QUINCY ADAMS, reported, that the Committee have attended to the duty assigned to them, and ask leave to report the accompanying

RESOLVES ON THE DEATH OF JOHN QUINCY ADAMS.

Resolved, That the Legislature of Massachusetts has received with deep emotion and profound grief, the intelligence, that JOHN QUINCY ADAMS died at the capitol, in the city of Washington, on the twenty-third day of February instant.

Resolved, That, as citizens of Massachusetts, we rejoice that this illustrious man was a native of our own Commonwealth, and we gratefully cherish his memory, as a son of Massachusetts; but we would not fail to remember that his distinguished public services, his long experience and transcendent abilities as a Statesman, his ardent devotion and unsullied integrity as a Patriot, make his character the property of the whole American Union, while the vigor of his intellect—his extraordinary acquisitions as a scholar—his inexpressible love of liberty—his fearless and powerful advocacy of the rights of man, give the whole civilized world a title to his name, and enroll it on the page of history.

Resolved, That we regard the republican simplicity of his manners, his elevated morals, his Christian virtues, his reverence for religion and its institutions, and the spotless purity of his life, as the chief glory of his character, and the foundation on which shall rest the fabric of his fame.

Resolved, That, with melancholy pleasure, we behold such a public servant, when summoned to his final account, falling at the post of his duty.

Resolved, That, as a tribute of respect to the memory of JOHN QUINCY ADAMS, the Hon. EDWARD EVERETT be requested, at some time during the present session of the Legislature, to deliver a eulogy upon his life and character, before the executive and legislative branches of the government of this Commonwealth.

Resolved, That his Excellency the Governor be requested to forward a copy of these Resolves to the widow and family of Mr. Adams.

Passed unanimously.

ZENO SCUDDER, *President*.

IN HOUSE OF REPRESENTATIVES, Feb. 26, 1848.

Passed unanimously in concurrence.

FRANCIS B. CROWNINSHIELD, *Speaker*.

IN SENATE, Feb. 26, 1848.

Mr. Buckingham, from the same committee, submitted the following orders, which were unanimously adopted, to wit:—

ORDERED, That the Select Committee, which reported the foregoing resolves, be instructed to communicate to the Hon. EDWARD EVERETT the above resolve, inviting him to deliver the eulogy.

ORDERED, That, in case Mr. Everett should comply with the request embraced in this resolve, the same committee be directed to make all necessary and suitable arrangements to carry into effect the intention of the resolve.

HOUSE OF REPRESENTATIVES, Feb. 26, 1848.

The above orders from the Senate came down, and were passed in concurrence.

Mr. Boutwell, of Groton, then said:—

MR. SPEAKER:—

Feeling most sensibly, in common with the members of this House, and the people of this Commonwealth, the great loss which the country has sustained in the death of the most extraordinary man it has ever produced, and the entire inappropriateness of any further proceedings to-day, I move that this House do now adjourn.

And accordingly, at a quarter before twelve, the House adjourned till Monday.

IN SENATE, Feb. 28, 1848.

Mr. Buckingham, in behalf of the Committee on measures in relation to the death of JOHN QUINCY ADAMS, communicated the following correspondence, to wit:—

STATE HOUSE, BOSTON, Feb. 26, 1848.

TO THE HON. EDWARD EVERETT:—

SIR,—The undersigned, a Committee of the Legislature of Massachusetts, are instructed to communicate to you the following resolve, this day passed:—

“Resolved, That, as a tribute of respect to the memory of JOHN QUINCY ADAMS, the Hon. EDWARD EVERETT be requested, at some time during the present session of the Legislature, to deliver a eulogy upon his life and character, before the executive and legislative branches of the government of the Commonwealth.”

In communicating the above resolve, permit us to say, that, should you comply with the request embraced in the resolve, we shall be most happy to make such arrangements to carry into effect the intention of the resolve as will suit your convenience.

Permit us also to add, that we are, with sentiments of high consideration and respect,

Your obedient servants,

JOSEPH T. BUCKINGHAM,
A. H. BULLOCK,
WM. DWIGHT,
LUTHER BAKER,
JOHN C. GRAY,
DANIEL N. DEWEY,
GILES C. KELLOGG,
EBEN. BRADBURY,
EZRA WILKINSON,
GEO. S. BOUTWELL,
JOSIAH HINCKLEY,
JAMES C. DOANE,
THOMAS BRADLEY.

CAMBRIDGE, Feb. 26, 1848.

GENTLEMEN:—

I have received your letter of this day, communicating a resolve of the Legislature, by which, as a tribute of respect to the memory of JOHN QUINCY ADAMS, I am requested, at some time during the present session, to deliver a eulogy upon his life and character, before the executive and legislative branches of the government of the Commonwealth.

You will oblige me by informing the two Houses that I am deeply sensible to the honor of their invitation, and that I consider it a matter of duty to comply with their request. My time is much taken up with my official engagements, but I will make the requisite preparations as soon as possible.

I remain, gentlemen; with great respect,

Your obedient servant,

EDWARD EVERETT.

Messrs. J. T. Buckingham, A. H. Bullock, William Dwight, Luther Baker, John C. Gray, Daniel N. Dewey, Giles C. Kellogg, Eben. Bradbury, Ezra Wilkinson, Geo. S. Boutwell, Josiah Hinckley, James C. Doane, Thos. Bradley.

HOUSE OF REPRESENTATIVES, Feb. 28, 1848.

ORDERED, That the Select Joint Committee, appointed on the 25th inst., "to consider and report what measures it may be proper for the Legislature to adopt, as a testimonial of gratitude for the public services, and respect for the memory, of the late JOHN QUINCY ADAMS," be authorized to make such arrangements, and incur such expenses, on behalf of the Commonwealth, as they may deem suitable, in dressing in mourning the Senate Chamber and the Hall of the House of Representatives, and in connection with the funeral obsequies of the deceased.

Sent up for concurrence.

CHAS. W. STOREY, *Clerk*.

SENATE, Feb. 28, 1848.

Concurred.

CHAS. CALHOUN, *Clerk*.

IN SENATE, March 9, 1848.

Mr. Buckingham, from the Special Joint Committee on measures in relation to the death of JOHN QUINCY ADAMS, submitted the following REPORT, in part:—

That a sub-committee, consisting of Messrs. Bigelow, Doane, Bullock, Boutwell, Bradbury, Wilkinson, and Dwight, were deputed to meet the Committee of Congress, which accompanied the remains of Mr. ADAMS from Washington, and to tender to those gentlemen the hospitalities of this Commonwealth.

By our Sub-Committee we are informed, that the remains of Mr. ADAMS will arrive at the depot of the Boston and Worcester Railroad, in this city, at 1 o'clock, P. M., on Friday, and be there delivered to the Joint Committee. The Committee recommend, that the executive and legislative branches of the government should assemble at the hall of the railroad depot, prepared to unite with the municipal authorities of the city,—in compliance with their invitation,—in the procession to Faneuil Hall, agreeably to the arrangements of the Chief Marshal, as published in the newspapers of this morning.

And said Report was accepted.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, March 9, 1848.

Accepted in concurrence.

CHAS. W. STOREY, *Clerk.*

IN SENATE, March 10, 1848.

The Joint Select Committee, appointed to arrange the ceremonies in honor of the memory of Hon. JOHN QUINCY ADAMS, further REPORT, in part:—

That, in consequence of the inclemency of the weather, the Government of the city of Boston have relinquished their arrangements for a civic procession, to accompany the remains of Mr. ADAMS from the railroad depot to Faneuil Hall.

All members of the executive and legislative branches of the State Government will be admitted to Faneuil Hall at half past two o'clock, this P. M. The Committee recommend that the Sergeant-at-arms, or one of his assistants, be in attendance at the door of the hall, to introduce the members to the doorkeepers.

The remains of Mr. ADAMS will be accompanied from the railroad depot to Faneuil Hall, by the Joint Committee and the Committee of Congress, and there, in the presence of the executive and legislative branches of the Government, be consigned to the city government of Boston.

An invitation from the municipal authorities of the town of Quincy, to attend the funeral of Mr. ADAMS at Quincy, to-morrow, at one o'clock, P. M., having been tendered to the executive and legislative branches, the Committee recommend that the invitation be accepted.

The president and directors of the Old Colony Railroad having offered to prepare an extra train of cars to convey the members of the Legislature to Quincy, to attend the funeral of Mr. ADAMS, the Committee recommend that the invitation be accepted, and that both branches adjourn to-morrow as early as half-past eleven o'clock. The president of the railroad proposes to furnish tickets for the members and officers, which will be delivered by the Sergeant-at-arms.

The cars will start for Quincy precisely at 12 o'clock. The Committee recommend that the public offices of the State be closed this day and to-morrow at 12 o'clock.

By direction of the Committee,

JOS. T. BUCKINGHAM, *Chairman*.

SENATE, March 10, 1848.

Accepted.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

HOUSE OF REPRESENTATIVES, March 10, 1848.

Concurred.

CHAS. W. STOREY, *Clerk*.

The two Houses having adjourned, the executive and legislative branches of the Government proceeded to Faneuil Hall a few minutes before two o'clock. The train of cars which brought the body of Mr. ADAMS, together with the Congressional Committee, arrived at the depot, where the Legislative Committee were in waiting to receive them. The coffin having been taken from the car, and placed before the Legislative Committee, the Hon. Mr. Tallmadge, of New York, chairman of the Congressional Committee, addressed them as follows:—

“Mr. Chairman of the Committee of the Senate and House of Representatives of the Commonwealth of Massachusetts:—

The House of Representatives of the United States have selected a committee representing every portion of the Union, charged with the especial duty of accompanying the remains of Mr. ADAMS to the place of their interment. In the execution of this duty, the committee left the city of Washington on Monday last, and have now arrived in your city. Throughout their journey, there have been displayed manifestations of the highest admiration and respect for the memory of your late distinguished fellow-citizen. In the large cities through which we expected to pass, we anticipated such demonstrations; but, in every village and hamlet, at the humblest cottage which we passed, and from the laborers in the field, the same profound respect for the deceased was testified by their uncovered heads. It now becomes my duty, as the organ of the committee, to surrender into your hands, as the representatives of Massachusetts, the illustrious dead. In performing this duty, I must be allowed to say, we have long known this venerable man in the hall of the House of Representatives. There we had listened to his words of wisdom, and caught from his lips the fire of patriotism, and, while speaking to us, as it were, we have seen him stricken down in our midst. But I shall not attempt here to describe the emotions that we experienced, or the bereavement that we have felt. Our personal bereavement is merged in the bereavement of the nation. The nation is clothed in the habiliments of woe. The nation is bereaved in his loss, and the nation mourns. It is now more than half a century since Massachusetts gave to the nation his pre-eminent talents, his patriotism, and his virtues. You gave him to his country, and all that remains of that illustrious gift we now return to you.”

To this Mr. Buckingham replied as follows:—

“Mr. Chairman, and Gentlemen of the Committee of the United States House of Representatives:—

As the official organ of the Legislature, I receive the gift you proffer. The occasion produces emotions which no words of mine can express. Such honors as you have paid to our illustrious dead, have no parallel in our nation's history. While Massachusetts weeps for the loss of a distinguished son, she is not insensible to the sympathy of her sister states; and, though she claims his maternity, she has cheerfully shared with them the results of his filial love and patriotic labors. The pall which covers his remains is not embossed with emblems of war, nor decorated with laurel: the shroud that enwraps them is not spotted with blood. But the olive and the myrtle shall bloom upon his grave, and the pilgrim who visits it, as he breathes the name of ADAMS, shall bless the memory of him who was emphatically the friend of his race. Mr. Chairman, we tender to you and your colleagues in this mission of honor to Massachusetts, the assurances of our respect and gratitude, and invite you to accompany us to Faneuil Hall, where the remains will be faithfully guarded till they shall be removed to their last resting-place on the earth.”

The body was then placed on a funeral car, drawn by six black horses, appropriately caparisoned. A procession, made up of the military escort, under the command of Col. B. F. Edmands, and the carriages containing the Congressional and Legislative Committees, passed through several of the principal streets. On the arrival of the procession at Faneuil Hall, the body was placed on a platform in front of the mayor's chair. After a dirge by a military band, Mr. Buckingham addressed the Mayor as follows:—

“The solemn dirge, whose sounds still vibrate in our ears—the funeral drapery that surrounds us, veiling the light of day—are significant of the chamber of death.

“To-day the all-subduing king of terrors rides forth in the majesty of his strength. To-day the inexorable tyrant holds his court in this our boasted temple of liberty, and here exhibits the trophy of his power.

“The sickening, lurid gloom, that pervades the atmosphere of this hall, sending its oppressive and subduing chill to every heart, tells us too truly of his awful, mysterious, invisible presence.

"Conscious of that presence, I feel my inability to perform the service, to which I have been appointed. The mournful message, with which I am charged, lingers on my lips.

"In the name, and in behalf of the government and people of the Commonwealth of Massachusetts, whose honored but humble servant I this day am, I consign to your faithful keeping, Mr. Mayor, the mortal remains of JOHN QUINCY ADAMS,—all that was mortal of that venerable man, whose age and whose virtues had rendered him an object of intense interest and admiration to his country and to the world. We place these sacred remains in your possession, to be conveyed to their appointed home—to sleep in the sepulchre, and with the dust, of his fathers.

"His undying name and his imperishable virtues are inscribed on living tablets, that can never be lost. Let buoyant youth, and vigorous manhood, and white-haired age study the inscription—imitate his example—emulate the graces of his character—and, like him, with unreluctant cheerfulness, obey the voice that calls from the labor of duty on earth, to the reward of that labor in heaven.

"The voice of sorrow, which sends its echoes round the land, denotes the emphasis of a nation's grief for a nation's loss. From the depths of the soul the cry has gone forth, and deep answereth unto deep,—'Help, Lord! for the godly man ceaseth—the faithful fail from among the children of men.'

"Science, literature, philosophy, patriotism, religion—mourn the absence of a devoted disciple. Humanity, clad in sackcloth, and sitting in ashes, refuses to be comforted because her ablest advocate is not.

"But we grieve not for him. It is for ourselves that we weep. The calamities that afflict our nature touch not him. He is no subject for lamentation and tears. He needs none of our sympathy.

"Oh! 't is well

With him; but who knows what the coming hour,
Veiled in thick darkness, brings for us!"

"Mr. Mayor, my errand is done. My mission to you is ended.

"And now, once loved, and still venerable, but lifeless dust, farewell! If adventurous imagination may follow the disencumbered spirit, we behold it still pursuing its career of honor and glory. The splendid volumes of immortality are opened before it. Other

worlds, lighted by other suns, adapted for the abodes of other modes and forms of being, court his fellowship, and attract his admiration. Stars, and constellations, and systems glowing with undiminished effulgence,—though ages on ages have rolled over them,—invite him to explore their mysterious movements, and to trace their harmonious relations. Press onward, emancipated spirit; press onward in the path that leads to the everlasting Fountain of life, intelligence, and truth. God Almighty speed thee on thy march of eternity!”

Mr. Quincy replied as follows:—

“*Mr. Chairman*,—In behalf of the citizens of Boston, of every sect and every party, I accept the guardianship of the mortal part of our distinguished fellow-citizen. The citizens of Boston, who, seventy years ago, thronged this hall, and listened to the words that resulted in our Revolution, have, we trust, welcomed what was immortal to the liberty of the sons of God.

“There is something sublime in the scene that surrounds us. An honored son of Massachusetts,—one who was educated by a signer of the Declaration of Independence,—one who heard the thunders of the great struggle for liberty on yonder hill,—has, after a life of unparalleled usefulness and fidelity, fallen in the capitol of the country he served.

“The inscriptions that adorn these walls remind us of the offices he held. Yonder testimony of the Father of his country shows what was his youthful promise. The spontaneous feeling, at this moment, of a whole people, prove how that promise was redeemed.

“His remains have been escorted here by delegates from every State in our Union. They have passed over spots ever memorable in history. They have every where been received with funeral honors. They have reposed in the Hall of Independence—they now lie in the Cradle of Liberty. It were presumption in me to anticipate what will here be said on the character and virtues of the departed,—on the high offices he held, and the great scenes in which he participated. But, as a citizen of Massachusetts, I cannot but acknowledge our sense of the honors paid to her distinguished son. Mourned by a nation at its capital, attended by the representatives of millions to the grave, he has received a tribute to his memory unequalled among men.

“And this is no mere pageant. The spots on which this bier rests on its journey to the grave will not be marked by visible tokens—by the way-side cross, inviting all to pray for the soul of the departed—but associations and recollections shall cluster there, inspiring the living with the spirit of the dead; and should the time ever come when distance, and difference of interests, shall seem for a moment to weaken the bonds of the Union, we will remember that our sister States sympathized with us in grief as readily as their fathers rushed to our assistance in peril.

“These remains now rest in the Cradle of Liberty. It is their last resting-place on their journey home. As a statesman’s, ‘this is to them the last of earth,’—to-morrow they will be deposited in the peaceful church-yard of the village of his birth, there to be mourned not as statesmen mourn for statesmen, but as friend mourns for friend.

“He will be ‘gathered to his fathers,’ and how great in this case is the significance of the expression! It is possible that other men may be attended as he will be to the grave; but when again shall the tomb of a President of the United States open its doors to receive a son that has filled the same office?

“Happily for us, in this country there are no hereditary honors. But as we shall stand before the simple monument erected by the filial piety of him who sleeps before us, and read that below slumber the remains of the second President of the United States,—of one who, on the fourth of July, 1776, pledged his life, his fortune, and his sacred honor, to the independence of his country,—who, in 1783, by signing the definitive treaty of peace, redeemed that pledge, and who, after having witnessed the liberty of his country for fifty years, was summoned, on the birth-day of the nation, to the ‘Independence of Immortality, and the judgment of his God,’ will not the sternest republican allow that, in his case, hereditary worth gave a title to hereditary honors? The conclusion of that epitaph is the fittest inscription for his own grave:—

“ ‘From lives thus spent thy earthly duties learn;
From fancy’s dreams to active virtue turn;
Let freedom, friendship, faith, thy soul engage,
And serve, like these, thy country and thy age.’ ”

MARCH 11, 1848.

Immediately after the assembling of the several departments of the Government in their respective chambers, the Committee of the two Houses introduced to the respective branches the Committee appointed by the United States House of Representatives to attend the remains of Mr. ADAMS to the place of their interment, consisting of

Hon. Messrs. TALLMADGE, of New York,
HAMMONS, of Maine,
WILSON, of New Hampshire,
COLLAMER, of Vermont,
ASHMUN, of Massachusetts,
THURSTON, of Rhode Island,
ROCKWELL, of Connecticut,
NEWELL, of New Jersey,
MCILVAINE, of Pennsylvania,
HOUSTON, of Delaware,
LIGON, of Maryland,
MEADE, of Virginia,
BARRINGER, of North Carolina,
HOLMES, of South Carolina,
LUMPKIN, of Georgia,
HILLIARD, of Alabama,
BROWN, of Mississippi,
MORSE, of Louisiana,
EDWARDS, of Ohio,
FRENCH, of Kentucky,
GENTRY, of Tennessee,
SMITH, of Indiana,
WENTWORTH, of Illinois,
PHELPS, of Missouri,
JOHNSON, of Arkansas,
BINGHAM, of Michigan,
CABELL, of Florida,
KAUFMAN, of Texas,
THOMPSON, of Iowa, and
TWEEDY, of Wisconsin Territory,

together with Mr. SEATON, Mayor of Washington, who, by special

invitation, accompanied the above Committee as the representative of the District of Columbia.

The Committee was addressed, and most cordially welcomed, in the presence of the Executive Council, by His Excellency the Governor, and, in the House of Representatives and the Senate, by the Speaker and President of those bodies respectively, immediately after which, the several branches of the Government, accompanied by the Congressional Committee, proceeded to the town of Quincy, to attend the funeral of Mr. ADAMS.

IN SENATE, March 15, 1848.

The Select Joint Committee, having in charge the arrangement of proceedings in honor to the memory of the late JOHN QUINCY ADAMS, report further, *in part*, and recommend the passage of the following Preamble and Resolutions, viz :—

Whereas, the House of Representatives of the Congress of the United States appointed a Committee, consisting of one member from each State and Territory, to take charge of and accompany the remains of the late Honorable JOHN QUINCY ADAMS, from Washington to Massachusetts, and the said Committee having performed the service to which they were appointed, in a manner most respectful to the memory of that distinguished statesman, and acceptable to this Legislature,—

Resolved, That the Legislature of Massachusetts tender to the House of Representatives of the United States the thanks of the government and people of the Commonwealth, for the signal honor thus done to the memory of their illustrious fellow-citizen.

Resolved, That the thanks of the government and people of Massachusetts be presented to the members of the Committee of the United States House of Representatives, for the kind, courteous, and respectful manner in which they discharged the melancholy duty of their office.

Resolved, That, in order that this public mark of respect to our Commonwealth and her illustrious SON may always be had in remembrance, this report be placed on the Journals of the two branches of the Legislature.

Resolved, That, as a memorial of our grateful sense of the honor

paid to Massachusetts, by the United States House of Representatives, His Excellency the Governor be requested to transmit a copy of this report to the Speaker of that honorable body, and also a copy to each of the members of its Committee.

By direction of the Joint Committee,

JOSEPH T. BUCKINGHAM, *Chairman*.

SENATE, March 15, 1848.

Accepted, and the Resolves passed.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

HOUSE OF REPRESENTATIVES, March 15, 1848.

Accepted, and passed in concurrence.

C. W. STOREY, *Clerk*.

IN SENATE, April 8, 1848.

The Select Joint Committee, instructed to make suitable arrangements for the delivery of a Eulogy on the late JOHN QUINCY ADAMS, report, in part,—

That the proposed Eulogy will be pronounced in Faneuil Hall, on Saturday, the fifteenth instant, by the Hon. Edward Everett.

The Committee recommend that a procession be formed at the State House, at ten o'clock in the morning of that day, composed of the executive and legislative departments of the government, the city council of the city of Boston, and such other individuals and public functionaries and societies, as may be hereafter invited, or may signify a desire to unite in this commemorative service.

The Committee further report, that the Hon. Charles Devens, a member of the Senate, has been requested to perform the duties of Chief Marshal on the occasion, and has signified his readiness to accede to the request.

The Committee further report, that, in compliance with an order

from His Excellency the Governor, the Independent Cadets, under the command of Col. Sever, will perform the escort duties of the day.

By direction of the Committee,

JOS. T. BUCKINGHAM, *Chairman*.

SENATE, April 8, 1848.

Accepted.

Sent down for concurrence,

CHAS. CALHOUN, *Clerk*.

HOUSE OF REPRESENTATIVES, April 10, 1848.

Accepted in concurrence.

C. W. STOREY, *Clerk*.

APRIL 15, 1848.

The two branches met at 9 o'clock, A. M., and adjourned forthwith, to attend, agreeably to their votes of the 8th and 10th instant, the ceremonies at Faneuil Hall commemorative of the life, public services, and death, of John Quincy Adams.

ORDER OF PROCESSION.

DIVISION I.

Military Escort, by the Independent Cadets, under the command of
Lieut. Col. Sever.

Aids. Chief Marshal. Aids.

The Committee of Arrangements of the Legislature.

The Orator.

Chaplains of the Senate and House.

His Excellency the Governor and Suite.

His Honor the Lieut. Governor and the Council.

The Secretary and Treasurer of the Commonwealth.

The President of the Senate and Senators.

The Speaker of the House of Representatives, Representatives and
Officers.

DIVISION II.

The United States Marshal.

Judges and Officers of the United States Courts.

Present and past Members of Congress.

Army, Navy, and Marine Officers of the United States.

Collector, Treasurer, Navy Agent, Captain of the Revenue Cutter,
and other United States Civil Officers.

Foreign Consuls.

Sheriff of Suffolk.

Judges and Officers of the State Courts.

Officers of the Militia, in uniform.

President, Corporation, and Board of Overseers of Harvard Uni-
versity.

The Reverend Clergy.

DIVISION III.

City Marshal.

The Mayor of Boston.

Aldermen and Common Council.

City Solicitor, Treasurer, Auditor, and Clerk.

School Committee and Teachers of the Public Schools.

Wardens and Ward Officers.

Overseers of the Poor, and other City Officers.

Chief Engineer and Fire Department.

DIVISION IV.

The Selectmen of the Town of Quincy.

Historical Society, Academy of Arts and Sciences.

Faculty of Harvard University, and Students.

Authorities of Cities and Towns of the Commonwealth desirous of
joining the procession.

Associations of the City of Boston, who shall assemble and report
themselves to the City Marshal.

Citizens generally.

TESTIMONIALS OF RESPECT

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, April 17, 1848.

ORDERED, That Messrs. BUCKINGHAM and DOANE, with such as the House may join, be a Committee to tender the thanks of the Legislature to the Hon. EDWARD EVERETT, for the appropriate and eloquent Eulogy on JOHN QUINCY ADAMS, delivered by him on the fifteenth April, instant, at the request of the two branches of the Legislature, and to request a copy thereof for publication.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

HOUSE OF REPRESENTATIVES, April 17, 1848.

Concurred, and the House join, on their part, Messrs. GRAY, of Boston, WILKINSON, of Dedham, and DEWEY, of Williamstown.

CHAS. W. STOREY, *Clerk.*

SENATE CHAMBER, April 17, 1848.

HON. EDWARD EVERETT,

DEAR SIR,—The undersigned, a Committee appointed for the purpose, have the honor to transmit to you the enclosed Order, adopted unanimously in both branches of the Legislature.

In communicating this Order, and expressing our hope that you will comply with the request therein contained, the Committee pray you to accept the assurance of their personal respect and most affectionate regard.

JOS. T. BUCKINGHAM,
JAMES C. DOANE,
JOHN C. GRAY,
EZRA WILKINSON,
DANIEL N. DEWEY,

IN SENATE, April 18, 1848.

The Select Joint Committee, appointed to tender to the Hon. Edward Everett the thanks of the Legislature for his Eulogy on

John Quincy Adams, and to request a copy thereof for publication, have attended to the duty assigned, and report the reply of Mr. Everett, as herein enclosed, viz :—

CAMBRIDGE, 17th April, 1848.

GENTLEMEN,

I have received your letter of this day, enclosing to me an Order of the Legislature, requesting a copy of my Eulogy on the late President Adams, for publication. I hasten to comply with the request of the two Houses, and feel myself much honored by this mark of their approbation.

Be pleased to accept my thanks for the kind expressions of personal regard contained in your letter, and permit me to subscribe myself, Gentlemen,

With the highest respect,

Your obliged fellow-citizen,

EDWARD EVERETT.

Messrs. Jos. T. Buckingham, James C. Doane, John C. Gray, Ezra Wilkinson, Daniel N. Dewey, *Committee*.

The Committee further report, that Mr. Everett has placed the manuscript of the Eulogy in the hands of the State printer ; and the Committee recommend that six thousand copies be printed for the use of the members of the executive and legislative departments of the government.

For the Committee,

JOS. T. BUCKINGHAM, *Chairman*.

SENATE, April 18, 1848.

Accepted.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk*.

HOUSE OF REPRESENTATIVES, April 18, 1848.

Concurred.

C. W. STOREY, *Clerk*.

COMMONWEALTH OF MASSACHUSETTS.

IN SENATE, April 21, 1848.

ORDERED, That the Clerk of the Senate be directed to procure, for the use of the members of the Legislature, two thousand copies of the funeral discourse delivered in Quincy, on Saturday, March 11, by the Rev. Wm. P. Lunt, on the life and services of Hon. John Quincy Adams.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*—
HOUSE OF REPRESENTATIVES, April 22, 1848.

Concurred.

CHAS. W. STOREY, *Clerk.*

